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THE

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OF

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NINTH REPORT

OF THE

SELECT COMMITTEE OF THE HOUSE OF COMMONS

ON

THE AFFAIRS OF INDIA.

JUNE 25, 1783.

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NINTH REPORT

From the SELECT COMMITTEE [of the House of Commons] appointed to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House, with their observations thereupon; and who were instructed to consider how the British possessions in the East Indies may be held and governed with the greatest security and advantage to this country, and by what means the happiness of the native inhabitants may be best promoted.

I. — OBSERVATIONS ON THE STATE OF THE COMPANY'S AFFAIRS IN INDIA.

IN order to enable the House to adopt the most proper means for regulating the British government in India, and for promoting the happiness of the natives who live under its authority or influence, your Committee hold it expedient to collect into distinct points of view the circumstances by which that government appears to them to be most essentially disordered, and to explain fully the principles of policy and the course of conduct by which the natives of all ranks and orders have been reduced to their present state of depression and misery.

Your Committee have endeavored to perform this task in plain and popular language, knowing that nothing has alienated the House from inquiries ab-

solutely necessary for the performance of one of the most essential of all its duties so much as the technical language of the Company's records, as the Indian names of persons, of offices, of the tenure and qualities of estates, and of all the varied branches of their intricate revenue. This language is, indeed, of necessary use in the executive departments of the Company's affairs; but it is not necessary to Parliament. A language so foreign from all the ideas and habits of the far greater part of the members of this House has a tendency to disgust them with all sorts of inquiry concerning this subject. They are fatigued into such a despair of ever obtaining a competent knowledge of the transactions in India, that they are easily persuaded to remand them back to that obscurity, mystery, and intrigue out of which they have been forced upon public notice by the calamities arising from their extreme mismanagement. This mismanagement has itself, as your Committee conceive, in a great measure arisen from dark cabals, and secret suggestions to persons in power, without a regular public inquiry into the good or evil tendency of any measure, or into the merit or demerit of any person intrusted with the Company's concerns.

Present laws relating to the East India Company, and internal and external policy.

The plan adopted by your Committee is, first, to consider the law regulating the East India Company, as it now stands,—and, secondly, to inquire into the circumstances of the two great links of connection by which the territorial possessions in India are united to this kingdom, namely, the Company's commerce, and the government exercised under the charter and under acts of Parliament. The last [first] of these objects, the commerce, is taken in two points of view: the

external, or the direct trade between India and Europe, and the *internal*, that is to say, the trade of Bengal, in all the articles of produce and manufacture which furnish the Company's investment.

The government is considered by your Committee under the like descriptions of internal and external. The internal regards the communication between the Court of Directors and their servants in India, the management of the revenue, the expenditure of public money, the civil administration, the administration of justice, and the state of the army. The external regards, first, the conduct and maxims of the Company's government with respect to the native princes and people dependent on the British authority, — and, next, the proceedings with regard to those native powers which are wholly independent of the Company. But your Committee's observations on the last division extend to those matters only which are not comprehended in the Report of the Committee of Secrecy. Under these heads, your Committee refer to the most leading particulars of abuse which prevail in the administration of India,— deviating only from this order where the abuses are of a complicated nature, and where one cannot be well considered independently of several others.

Second attempt made by Parliament for a reformation.

Your Committee observe, that this is the second attempt made by Parliament for the reformation of abuses in the Company's government. It appears, therefore, to them a necessary preliminary to this second undertaking, *to consider the causes which, in their opinion*, have produced the failure of the first, — that the defects of the original plan may be supplied, its errors corrected, and such useful regulations as were then adopted may be further explained, enlarged, and enforced.

Proceedings of session 1773.

The first design of this kind was formed in the session of the year 1773. In that year, Parliament, taking up the consideration of the affairs of India, through two of its committees collected a very great body of details concerning the interior economy of the Company's possessions, and concerning many particulars of abuse which prevailed at the time when those committees made their ample and instructive reports. But it does not appear that the body of regulations enacted in that year, that is, in the East India Act of the thirteenth of his Majesty's reign, were altogether grounded on that information, but were adopted rather on probable speculations and general ideas of good policy and good government. New establishments, civil and judicial, were therefore formed at a very great expense, and with much complexity of constitution. Checks and counter-checks of all kinds were contrived in the execution, as well as in the formation of this system, in which all the existing authorities of this kingdom had a share: for Parliament appointed the members of the presiding part of the new establishment, the Crown appointed the judicial, and the Company preserved the nomination of the other officers. So that, if the act has not fully answered its purposes, the failure cannot be attributed to any want of officers of every description, or to the deficiency of any mode of patronage in their appointment. The cause must be sought elsewhere.

Powers and objects of act of 1773, and the effects thereof.

The act had in its view (independently of several detached regulations) five fundamental objects.

1st. The reformation of the Court of Proprietors of the East India Company.

2ndly. A new model of the Court of Directors, and

an enforcement of their authority over the servants abroad.

3rdly. The establishment of a court of justice capable of protecting the natives from the oppressions of British subjects.

4thly. The establishment of a general council, to be seated in Bengal, whose authority should, in many particulars, extend over all the British settlements in India.

5thly. To furnish the ministers of the crown with constant information concerning the whole of the Company's correspondence with India, in order that they might be enabled to inspect the conduct of the Directors and servants, and to watch over the execution of all parts of the act; that they might be furnished with matter to lay before Parliament from time to time, according as the state of things should render regulation or animadversion necessary.

Court of Proprietors.

The first object of the policy of this act was to improve the constitution of the Court of Proprietors. In this case, as in almost all the rest, the remedy was not applied directly to the disease. The complaint was, that factions in the Court of Proprietors had shown, in several instances, a disposition to support the servants of the Company against the just coercion and legal prosecution of the Directors. Instead of applying a corrective to the distemper, a change was proposed in the constitution. By this reform, it was presumed that an interest would arise in the General Court more independent in itself, and more connected with the commercial prosperity of the Company. Under the new constitution, no proprietor, not possessed of a thousand pounds capital stock, was permitted to

New qualification.

vote in the General Court: before the act, five hundred pounds was a sufficient qualification for one vote; and no value gave more. But as the lower classes were disabled, the power was increased in the higher: proprietors of three thousand pounds were allowed two votes; those of six thousand were entitled to three; ten thousand pounds was made the qualification for four. The votes were thus regulated in the scale and gradation of property. On this scale, and on some provisions to prevent occasional qualifications and splitting of votes, the whole reformation rested.

Several essential points, however, seem to have been omitted or misunderstood. No regulation was made to abolish the pernicious custom of voting by *ballot*, by means of which acts of the highest concern to the Company and to the state might be done by individuals with perfect impunity; and even the body itself might be subjected to a forfeiture of all its privileges for defaults of persons who, so far from being under control, could not be so much as known in any mode of legal cognizance. Nothing was done or attempted to prevent the operation of the interest of delinquent servants of the Company in the General Court, by which they might even come to be their own judges, and, in effect, under another description, to become the masters in that body which ought to govern them. Nor was anything provided to secure the independency of the proprietary body from the various exterior interests by which it might be disturbed, and diverted from the conservation of that pecuniary concern which the act laid down as the sole security for preventing a collusion between the General Court and the powerful delinquent servants in India. The

The ballot.

Indian interest.

whole of the regulations concerning the Court of Proprietors relied upon two principles, which have often proved fallacious: namely, that small numbers were a security against faction and disorder; and that integrity of conduct would follow the greater property. In no case could these principles be less depended upon than in the affairs of the East India Company. However, by wholly cutting off the lower, and adding to the power of the higher classes, it was supposed that the higher would keep their money in that fund to make profit, — that the vote would be a secondary consideration, and no more than a guard to the property, — and that therefore any abuse which tended to depreciate the value of their stock would be warmly resented by such proprietors.

If the ill effects of every misdemeanor in the Company's servants were to be *immediate*, and had a tendency to lower the value of the stock, something might justly be expected from the pecuniary security taken by the act. But from the then state of things, it was more than probable that proceedings ruinous to the permanent interest of the Company might commence in great lucrative advantages. Against this evil large pecuniary interests were rather the reverse of a remedy. Accordingly, the Company's servants have ever since covered over the worst oppressions of the people under their government, and the most cruel and wanton ravages of all the neighboring countries, by holding out, and for a time actually realizing, additions of revenue to the territorial funds of the Company, and great quantities of valuable goods to their investment.

Proprietors.

But this consideration of mere income, whatever weight it might have, could not

be the first object of a proprietor, in a body so circumstanced. The East India Company is not, like the Bank of England, a mere moneyed society for the sole purpose of the preservation or improvement of their capital; and therefore every attempt to regulate it upon the same principles must inevitably fail. When it is considered that a certain share in the stock gives a share in the government of so vast an empire, with such a boundless patronage, civil, military, marine, commercial, and financial, in every department of which such fortunes have been made as could be made nowhere else, it is impossible not to perceive that capitals far superior to any qualifications appointed to proprietors, or even to Directors, would readily be laid out for a participation in that power. The India proprietor, therefore, will always be, in the first instance, a politician; and the bolder his enterprise, and the more corrupt his views, the less will be his consideration of the price to be paid for compassing them. The new regulations did not reduce the number so low as not to leave the assembly still liable to all the disorder which might be supposed to arise from multitude. But if the principle had been well established and well executed, a much greater inconveniency grew out of the reform than that which had attended the old abuse: for if tumult and disorder be lessened by reducing the number of proprietors, private cabal and intrigue are facilitated at least in an equal degree; and it is cabal and corruption, rather than disorder and confusion, that was most to be dreaded in transacting the affairs of India. Whilst the votes of the smaller proprietors continued, a door was left open for the public sense to enter into that society: since that

door has been closed, the proprietary has become, even more than formerly, an aggregate of private interests, which subsist at the expense of the collective body. At the moment of this revolution in the proprietary, as it might naturally be expected, those who had either no very particular interest in their vote or but a petty object to pursue immediately disqualified; but those who were deeply interested in the Company's patronage, those who were concerned in the supply of ships and of the other innumerable objects required for their immense establishments, those who were engaged in contracts with the Treasury, Admiralty, and Ordnance, together with the clerks in public offices, found means of securing qualifications at the enlarged standard. All these composed a much greater proportion than formerly they had done of the proprietary body.

Against the great, predominant, radical corruption of the Court of Proprietors the raising the qualification proved no sort of remedy. The return of the Company's servants into Europe poured in a constant supply of proprietors, whose ability to purchase the highest qualifications for themselves, their agents, and dependants could not be dubious. And this latter description form a very considerable, and by far the most active and efficient part of that body. To add to the votes, which is adding to the power in proportion to the wealth, of men whose very offences were supposed to consist in acts which lead to the acquisition of enormous riches, appears by no means a well-considered method of checking rapacity and oppression. In proportion as these interests prevailed, the means of cabal, of concealment, and of corrupt confederacy became far more easy than before. Ac-

cordingly, there was no fault with respect to the Company's government over its servants, charged or chargeable on the General Court as it originally stood, of which since the reform it has not been notoriously guilty. It was not, therefore, a matter of surprise to your Committee, that the General Court, so composed, has at length grown to such a degree of contempt both of its duty and of the permanent interest of the whole corporation as to put itself into open defiance of the salutary admonitions of this House, given for the purpose of asserting and enforcing the legal authority of their own body over their own servants.

The failure in this part of the reform of 1773 is not stated by your Committee as recommending a return to the ancient constitution of the Company, which was nearly as far as the new from containing any principle tending to the prevention or remedy of abuses, — but to point out the probable failure of any future regulations which do not apply directly to the grievance, but which may be taken up as experiments to ascertain theories of the operation of councils formed of greater or lesser numbers, or such as shall be composed of men of more or less opulence, or of interests of newer or longer standing, or concerning the distribution of power to various descriptions or professions of men, or of the election to office by one authority rather than another.

Court of Directors.

The second object of the act was the Court of Directors. Under the arrangement of the year 1773 that court appeared to have its authority much strengthened. It was made less dependent than formerly upon its constituents, the proprietary. The duration of the Directors in office was

rendered more permanent, and the tenure itself diversified by a varied and intricate rotation. At the same time their authority was held high over their servants of all descriptions; and the only rule prescribed to the Council-General of Bengal, in the exercise of the large and ill-defined powers given to them, was that they were to yield obedience to the orders of the Court of Directors. As to the Court of Directors itself, it was left with very little regulation. The custom of ballot, infinitely the most mischievous in a body possessed of all the ordinary executive powers, was still left; and your Committee have found the ill effects of this practice in the course of their inquiries. Nothing was done to oblige the Directors to attend to the promotion of their servants according to their rank and merits. In judging of those merits nothing was done to bind them to any observation of what appeared on their records. Nothing was done to compel them to prosecution or complaint where delinquency became visible. The act, indeed, prescribed that no servant of the Company abroad should be eligible into the direction until two years after his return to England. But as this regulation rather presumes than provides for an inquiry into their conduct, a very ordinary neglect in the Court of Directors might easily defeat it, and a short remission might in this particular operate as a total indemnity. In fact, however, the servants have of late seldom attempted a seat in the direction, — an attempt which might possibly rouse a dormant spirit of inquiry; but, satisfied with an interest in the proprietary, they have, through that name, brought the direction very much under their own control.

As to the general authority of the Court of Direc-

tors, there is reason to apprehend that on the whole it was somewhat degraded by the act whose professed purpose was to exalt it, and that the only effect of the Parliamentary sanction to their orders has been, that along with those orders the law of the land has been despised and trampled under foot. The Directors were not suffered either to nominate or to remove those whom they were empowered to instruct; from masters they were reduced to the situation of complainants, — a situation the imbecility of which no laws or regulations could wholly alter; and when the Directors were afterwards restored in some degree to their ancient power, on the expiration of the lease given to their principal servants, it became impossible for them to recover any degree of their ancient respect, even if they had not in the mean time been so modelled as to be entirely free from all ambition of that sort.

From that period the orders of the Court of Directors became to be so habitually despised by their servants abroad, and at length to be so little regard ed even by themselves, that this contempt of orders forms almost the whole subject-matter of the voluminous reports of two of your committees. If any doubt, however, remains concerning the cause of this fatal decline of the authority of the Court of Directors, no doubt whatsoever can remain of the fact itself, nor of the total failure of one of the great leading regulations of the act of 1773.

Supreme Court of Judicature.

The third object was a new judicial arrangement, the chief purpose of which was to form a strong and solid security for the natives against the wrongs and oppressions of British subjects resident in Bengal. An operose and expensive

establishment of a Supreme Court was made, and charged upon the revenues of the country. The charter of justice was by the act left to the crown, as well as the appointment of the magistrates. The defect in the institution seemed to be this, — that no rule was laid down, either in the act or the charter, by which the court was to judge. No descriptions of offenders or species of delinquency were properly ascertained, according to the nature of the place, or to the prevalent mode of abuse. Provision was made for the administration of justice in the remotest part of Hindostan as if it were a province in Great Britain. Your Committee have long had the constitution and conduct of this court before them, and they have not yet been able to discover very few instances (not one that appears to them of leading importance) of relief given to the natives against the corruptions or oppressions of British subjects in power, — though they do find one very strong and marked instance of the judges having employed an unwarrantable extension or application of the municipal law of England, to destroy a person of the highest rank among those natives whom they were sent to protect. One circumstance rendered the proceeding in this case fatal to all the good purposes for which the court had been established. The sufferer (the Rajah Nundcomar) appears, at the very time of this extraordinary prosecution, a discoverer of some particulars of illicit gain then charged upon Mr. Hastings, the Governor-General. Although in ordinary cases, and in some lesser instances of grievance, it is very probable that this court has done its duty, and has been, as every court must be, of some service, yet one example of this kind must do more towards deterring

the natives from complaint, and consequently from the means of redress, than many decisions favorable to them, in the ordinary course of proceeding, can do for their encouragement and relief. So far as your Committee has been able to discover, the court has been generally terrible to the natives, and has distracted the government of the Company without substantially reforming any one of its abuses.

This court, which in its constitution seems not to have had sufficiently in view the necessities of the people for whose relief it was intended, and was, or thought itself, bound in some instances to too strict an adherence to the forms and rules of English practice, in others was framed upon principles perhaps too remote from the constitution of English tribunals. By the usual course of English practice, the far greater part of the redress to be obtained against oppressions of power is by process in the nature of civil actions. In these a trial by jury is a necessary part, with regard to the finding the offence and to the assessment of the damages. Both these were in the charter of justice left entirely to the judges. It was presumed, and not wholly without reason, that the British subjects were liable to fall into factions and combinations, in order to support themselves in the abuses of an authority of which every man might in his turn become a sharer. And with regard to the natives, it was presumed (perhaps a little too hastily) that they were not capable of sharing in the functions of jurors. But it was not foreseen that the judges were also liable to be engaged in the factions of the settlement, — and if they should ever happen to be so engaged, that the native people were then without that remedy which

obviously lay in the chance that the court and jury, though both liable to bias, might not easily unite in the same identical act of injustice. Your Committee, on full inquiry, are of opinion *that the use of juries is neither impracticable nor dangerous in Bengal.*

Your Committee refer to their report made in the year 1781, for the manner in which this court, attempting to extend its jurisdiction, and falling with extreme severity on the native magistrates, a violent contest arose between the English judges and the English civil authority. This authority, calling in the military arm, (by a most dangerous example,) overpowered, and for a while suspended, the functions of the court; but at length those functions, which were suspended by the quarrel of the parties, were destroyed by their reconciliation, and by the arrangements made in consequence of it. By these the court was virtually annihilated; or if substantially it exists, it is to be apprehended it exists only for purposes very different from those of its institution.

The fourth object of the act of 1773 was the Council-General. This institution was intended to produce uniformity, consistency, and the effective co-operation of all the settlements in their common defence. By the ancient constitution of the Company's foreign settlements, they were each of them under the orders of a President or Chief, and a Council, more or fewer, according to the discretion of the Company. Among those, Parliament (probably on account of the largeness of the territorial acquisitions, rather than the conveniency of the situation) chose Bengal for the residence of the controlling power,

and, dissolving the Presidency, appointed a new establishment, upon a plan somewhat similar to that which had prevailed before; but the number was smaller. This establishment was composed of a Governor-General and four Counsellors, all named in the act of Parliament. They were to hold their offices for five years, after which term the patronage was to revert to the Court of Directors. In the mean time such vacancies as should happen were to be filled by that court, with the concurrence of the crown. The first Governor-General and one of the Counsellors had been old servants of the Company; the others were new men.

On this new arrangement the Courts of Proprietors and Directors considered the details of commerce as not perfectly consistent with the enlarged sphere of duty and the reduced number of the Council. Therefore, to relieve them from this burden, they instituted a new office, called the Board of Trade, for the subordinate management of their commercial concerns, and appointed eleven of the senior servants to fill the commission.

Object of powers to Governor-General and Council.

The powers given by the act to the new Governor-General and Council had for their direct object the kingdom of Bengal and its dependencies. Within that sphere (and it is not a small one) their authority extended over all the Company's concerns of whatever description. In matters of peace and war it seems to have been meant that the other Presidencies should be subordinate to their board. But the law is loose and defective, where it professes to restrain the subordinate Presidencies from making war without the consent and approbation of the Supreme Council. They are left free to act with-

out it *in cases of imminent necessity*, or *where they shall have received special orders from the Company.* The first exception leaves it open to the subordinate to judge of the necessity of measures which, when taken, bind or involve the superior: the second refers a question of peace or war to two jurisdictions, which may give different judgments. In both instances cases in point have occurred.* With regard to their local administration, their powers were exceedingly and dangerously loose and undetermined. Their powers were not given directly, but in words of reference, in which neither the objects related to nor the mode of the relation were sufficiently expressed. Their legislative and executive capacities were not so accurately drawn, and marked by such strong and penal lines of distinction, as to keep these capacities separate. Where legislative and merely executive powers were lodged in the same hands, the legislative, which is the larger and the more ready for all occasions, was constantly resorted to. The Governor-General and Council, therefore, immediately gave constructions to their ill-defined authority which rendered it perfectly despotic, — constructions which if they were allowed, no action of theirs ought to be regarded as criminal.

Armed as they were with an authority in itself so ample, and by abuse so capable of an unlimited extent, very few, and these very insufficient correctives, were administered. Ample salaries were provided for them, which indeed removed the necessity, but by no means the inducements to corruption and oppression. Nor was any barrier whatsoever opposed on the part of the natives against their injustice, ex-

*. See the Secret Committee's Reports on the Mahratta War.

cept the Supreme Court of Judicature, which never could be capable of controlling a government with such powers, without becoming such a government itself.

There was, indeed, a prohibition against all concerns in trade to the whole Council, and against all taking of presents by any in authority. A right of prosecution in the King's Bench was also established; but it was a right the exercise of which is difficult, and in many, and those the most weighty cases, impracticable. No considerable facilities were given to prosecution in Parliament; nothing was done to prevent complaint from being far more dangerous to the sufferer than injustice to the oppressor. No overt acts were fixed, upon which corruption should be presumed in transactions of which secrecy and collusion formed the very basis; no rules of evidence nor authentic mode of transmission were settled in conformity to the unalterable circumstances of the country and the people.

Removal of servants.

One provision, indeed, was made for restraining the servants, in itself very wise and substantial: a delinquent once dismissed, could not be restored, but by the votes of three fourths of the Directors and three fourths of the proprietors: this was well aimed. But no method was settled for bringing delinquents to the question of removal: and if they should be brought to it, a door lay wide open for evasion of the law, and for a return into the service, in defiance of its plain intention, — that is, by resigning to avoid removal; by which measure this provision of the act has proved as unoperative as all the rest. By this management a mere majority may bring in the greater delinquent, whilst the person re-

moved for offences comparatively trivial may remain excluded forever.

The new Council nominated in the act was composed of two totally discordant elements, which soon distinguished themselves into permanent parties. One of the principal instructions which the three members of the Council sent immediately from England, namely, General Clavering, Colonel Monson, and Mr. Francis, carried out with them was, to "*cause the strictest inquiry to be made into all oppressions and abuses*," among which *the practice of receiving presents from the natives*, at that time generally charged upon men in power, was principally aimed at. Council-General.

Presents to any considerable value were justly reputed by the legislature, not as marks of attention and respect, but as bribes or extortions, for which either the beneficial and gratuitous duties of government were sold, or they were the price paid for acts of partiality, or, finally, they were sums of money extorted from the givers by the terrors of power. Against the system of presents, therefore, the new commission was in general opinion particularly pointed. In the commencement of reformation, at a period when a rapacious conquest had overpowered and succeeded to a corrupt government, an act of indemnity might have been thought advisable; perhaps a new account ought to have been opened; all retrospect ought to have been forbidden, at least to certain periods. If this had not been thought advisable, none in the higher departments of a suspected and decried government ought to have been kept in their posts, until an examination had rendered their proceedings clear, or until length of time had obliterated, by an

even course of irreproachable conduct, the errors which so naturally grow out of a new power. But the policy adopted was different: it was to begin with *examples*. The cry against the abuses was strong and vehement throughout the whole nation, and the practice of presents was represented to be as general as it was mischievous. In such a case, indeed in any case, it seemed not to be a measure the most provident, without a great deal of previous inquiry, to place two persons, who from their situation must be the most exposed to such imputations, in the commission which was to inquire into their own conduct, — much less to place one of them at the head of that commission, and with a casting vote in case of an equality. The persons who could not be liable to that charge were, indeed, three to two; but any accidental difference of opinion, the death of any one of them or his occasional absence or sickness, threw the whole power into the hands of the other two, who were Mr. Hastings and Mr. Barwell, one the President, and the other high in the Council of that establishment on which the reform was to operate. Thus those who were liable to process as delinquents were in effect set over the reformers; and that did actually happen which might be expected to happen from so preposterous an arrangement: a stop was soon put to all inquiries into the capital abuses.

Nor was the great political end proposed in the formation of a superintending Council over all the Presidencies better answered than that of an inquiry into corruptions and abuses. The several Presidencies have acted in a great degree upon their own separate authority; and as little of unity, concert, or regular system has appeared in their conduct as was

ever known before this institution. India is, indeed, so vast a country, and the settlements are so divided, that their intercourse with each other is liable to as many delays and difficulties as the intercourse between distant and separate states. But one evil may possibly have arisen from an attempt to produce an union, which, though undoubtedly to be aimed at, is opposed in some degree by the unalterable nature of their situation,—that it has taught the servants rather to look to a superior among themselves than to their common superiors. This evil, growing out of the abuse of the principle of subordination, can only be corrected by a very strict enforcement of authority over that part of the chain of dependence which is next to the original power.

Powers given to the ministers of the crown.

That which your Committee considers as the fifth and last of the capital objects of the act, and as the binding regulation of the whole, is the introduction (then for the first time) of the ministers of the crown into the affairs of the Company. The state claiming a concern and share of property in the Company's profits, the servants of the crown were presumed the more likely to preserve with a scrupulous attention the sources of the great revenues which they were to administer, and for the rise and fall of which they were to render an account.

The interference of government was introduced by this act in two ways: one by a control, in effect by a share, in the appointment to vacancies in the Supreme Council. The act provided that his Majesty's approbation should be had to the persons named to that duty. Partaking thus in the patronage of the Company, administration was bound to an attention

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to the characters and capacities of the persons employed in that high trust. The other part of their interference was by way of inspection. By this right of inspection, everything in the Company's correspondence from India, which related to the civil or military affairs and government of the Company, was directed by the act to be within fourteen days after the receipt laid before the Secretary of State, and everything that related to the management of the revenues was to be laid before the Commissioners of the Treasury. In fact, both description of these papers have been generally communicated to that board.

Defects in the plan.

It appears to your Committee that there were great and material defects in both parts of the plan. With regard to the approbation of persons nominated to the Supreme Council by the Court of Directors, no sufficient means were provided for carrying to his Majesty, along with the nomination, the particulars in the conduct of those who had been in the service before, which might render them proper objects of approbation or rejection. The India House possesses an office of record capable of furnishing, in almost all cases, materials for judging on the behavior of the servants in their progress from the lowest to the highest stations; and the whole discipline of the service, civil and military, must depend upon an examination of these records inseparably attending every application for an appointment to the highest stations. But in the present state of the nomination the ministers of the crown are not furnished with the proper means of exercising the power of control intended by the law, even if they were scrupulously attentive to the use of it. There are modes of proceeding favorable to neglect. Others excite inquiry and stimulate to vigilance.

Your Committee, therefore, are of opinion, that for the future prevention of cabal, and of private and partial representation, whether above or below, that, whenever any person who has been in the service shall be recommended to the king's ministers to fill a vacancy in the Council-General, the Secretary of the Court of Directors shall be ordered to make a strict search into the records of the Company, and shall annex to the recommendation the reasons of the Court of Directors for their choice, together with a faithful copy of whatever shall be found (if anything can be found) relative to his character and conduct, — as also an account of his standing in the Company's service, the time of his abode in India, the reasons for his return, and the stations, whether civil or military, in which he has been successively placed. Proposition to remedy them.

With this account ought to be transmitted the names of those who were proposed as candidates for the same office, with the correspondent particulars relative to their conduct and situation: for not only the separate, but the comparative merit, probably would, and certainly ought, to have great influence in the approbation or rejection of the party presented to the ministers of the crown. These papers should be laid before the Commissioners of the Treasury and one of the Secretaries of State, and entered in books to be kept in the Treasury and the Secretary's office.

These precautions, in case of the nomination of any who have served the Company, appear to be necessary from the improper nomination and approbation of Mr. John Macpherson, notwithstanding the ob- Appointment of Counsellors, &c. Macpherson's appointment.

jections which stood against him on the Company's records. The choice of Mr. John Stables, from an inferior military to the highest civil capacity, was by no means proper, nor an encouraging example to either service. His conduct, indeed, in the subaltern military situation, had received, and seems to have deserved, commendation; but no sufficient ground was furnished for confounding the lines and gradations of service. This measure was, however, far less exceptionable than the former; because an irregular choice of a less competent person, and the preference given to proved delinquency in prejudice to uncensured service, are very different things. But even this latter appointment would in all likelihood have been avoided, if rules of promotion had been established. If such rules were settled, candidates qualified from ability, knowledge, and service would not be discouraged by finding that everything was open to every man, and that favor alone stood in the place of civil or military experience. The elevation from the lowest stations unfaithfully and negligently filled to the highest trusts, the total inattention to rank and seniority, and, much more, the combination of this neglect of rank with a confusion (unaccompanied with strong and evident reasons) of the lines of service, cannot operate as useful examples on those who serve the public in India. These servants, beholding men who have been condemned for improper behavior to the Company in inferior civil stations elevated above them, or (what is less blamable, but still mischievous) persons without any distinguished civil talents taken from the subordinate situations of another line to their prejudice, will despair by any good behavior of ascending to the digni-

Stables's.

ties of their own: they will be led to improve, to the utmost advantage of their fortune, the lower stages of power, and will endeavor to make up in lucre what they can never hope to acquire in station.

The temporary appointment by Parliament of the Supreme Council of India arose from an opinion that the Company, at that time at least, was not in a condition or not disposed to a proper exercise of the privileges which they held under their charter. It therefore behoved the Directors to be particularly attentive to their choice of Counsellors, on the expiration of the period during which their patronage had been suspended. The duties of the Supreme Council had been reputed of so arduous a nature as to require even a legislative interposition. They were called upon, by all possible care and impartiality, to justify Parliament at least as fully in the restoration of their privileges as the circumstances of the time had done in their suspension.

But interests have lately prevailed in the Court of Directors, which, by the violation of every rule, seemed to be resolved on the destruction of those privileges of which they were the natural guardians. Every new power given has been made the source of a new abuse; and the acts of Parliament themselves, which provide but imperfectly for the prevention of the mischief, have, it is to be feared, made provisions (contrary, without doubt, to the intention of the legislature) which operate against the possibility of any cure in the ordinary course.

In the original institution of the Supreme Council, reasons may have existed against rendering the tenure of the Counsellors in their office precarious. A plan of reform might have required the permanence

of the persons who were just appointed by Parliament to execute it. But the act of 1780 gave a duration coexistent with the statute itself to a Council not appointed by act of Parliament, nor chosen for any temporary or special purpose; by which means the servants in the highest situation, let their conduct be never so grossly criminal, cannot be removed, unless the Court of Directors and ministers of the crown can be found to concur in the same opinion of it. The prevalence of the Indian factions in the Court of Directors and Court of Proprietors, and sometimes in the state itself, renders this agreement extremely difficult: if the principal members of the Direction should be in a conspiracy with any principal servant under censure, it will be impracticable; because the first act must originate there. The reduced state of the authority of this kingdom in Bengal may be traced in a great measure to that very natural source of independence. In many cases the instant removal of an offender from his power of doing mischief is the only mode of preventing the utter and perhaps irretrievable ruin of public affairs. In such a case the process ought to be simple, and the power absolute in one or in either hand separately. By contriving the balance of interests formed in the act, notorious offence, gross error, or palpable insufficiency have many chances of retaining and abusing authority, whilst the variety of representations, hearings, and conferences, and possibly the mere jealousy and competition between rival powers, may prevent any decision, and at length give time and means for settlements and compromises among parties, made at the expense of justice and true policy. But this act of 1780, not properly distin-

guishing judicial process from executive arrangements, requires in effect nearly the same degree of solemnity, delay, and detail for removing a political inconvenience which attends a criminal proceeding for the punishment of offences. It goes further, and gives the same tenure to all who shall succeed to vacancies which was given to those whom the act found in office.

Another regulation was made in the act, which has a tendency to render the control of delinquency or the removal of incapacity in the Council-General extremely difficult, as well as to introduce many other abuses into the original appointment of Counsellors. The inconveniences of a vacancy in that important office, at a great distance from the authority that is to fill it, were visible; but your Committee have doubts whether they balance the mischief which may arise from the power given in this act, of a provisional appointment to vacancies, not on the event, but on foresight. This mode of providing for the succession has a tendency to promote cabal, and to prevent inquiry into the qualifications of the persons to be appointed. An attempt has been actually made, in consequence of this power, in a very marked manner, to confound the whole order and discipline of the Company's service. Means are furnished thereby for perpetuating the powers of some given Court of Directors. They may forestall the patronage of their successors, on whom they entail a line of Supreme Counsellors and Governors-General. And if the exercise of this power should happen in its outset to fall into bad hands, the ordinary chances for mending an ill choice upon death or resignation are cut off.

Provisional appointment for vacancies.

In these provisional arrangements it is to be considered that the appointment is not in consequence of any marked event which calls strongly on the attention of the public, but is made at the discretion of those who lead in the Court of Directors, and may therefore be brought forward at times the most favorable to the views of partiality and corruption. Candidates have not, therefore, the notice that may be necessary for their claims; and as the possession of the office to which the survivors are to succeed seems remote, all inquiry into the qualifications and character of those who are to fill it will naturally be dull and languid.

Your Committee are not also without a grounded apprehension of the ill effect on any existing Council-General of all strong marks of influence and favor which appear in the subordinates of Bengal. This previous designation to a great and arduous trust, (the greatest that can be reposed in subjects,) when made out of any regular course of succession, marks that degree of countenance and support at home which may overshadow the existing government. That government may thereby be disturbed by factions, and led to corrupt and dangerous compliances. At best, when these Counsellors elect are engaged in no fixed employment, and have no lawful intermediate emolument, the natural impatience for their situations may bring on a traffic for resignations between them and the persons in possession, very unfavorable to the interests of the public and to the duty of their situations.

Since the act two persons have been nominated to the ministers of the crown by the Court of Directors for this succession. Neither has yet been approved.

But by the description of the persons a judgment may be formed of the principles on which this power is likely to be exercised.

Stuart and Sulivan's appointment to succeed to vacancies.

Your Committee find, that, in consequence of the above-mentioned act, the Honorable Charles Stuart and Mr. Sulivan were appointed to succeed to the first vacancies in the Supreme Council. Mr. Stuart's first appointment in the Company's service was in the year 1761. He returned to England in 1775, and was permitted to go back to India in 1780. In August, 1781, he was nominated by the Court of Directors (Mr. Sulivan and Sir William James were Chairman and Deputy-Chairman) to succeed to the first vacancy in the Supreme Council, and on the 19th of September following his Majesty's approval of such nomination was requested.

Mr. Stuart's situation at the time of his appointment.

In the nomination of Mr. Stuart, the consideration of rank in the service was not neglected; but if the Court of Directors had thought fit to examine their records, they would have found matter at least strongly urging them to a suspension of this appointment, until the charges against Mr. Stuart should be fully cleared up. That matter remained (as it still remains) unexplained from the month of May, 1775, where, on the Bengal Revenue Consultations of the 12th of that month, peculations to a large amount are charged upon oath against Mr. Stuart under the following title: "*The Particulars of the Money unjustly taken by Mr. Stuart, during the Time he was at Burdwan.*" The sum charged against him in this account is 2,17,684 Sicca rupees (that is, 25,253*l.* sterling); besides which there is another account with the fol-

lowing title: "*The Particulars of the Money unjustly taken by Callypersaud Bose, Banian to the Honorable Charles Stuart, Esquire, at Burdwan, and amounting to Sicca Rupees* 1,01,675" (that is, 11,785*l.*),—a large sum to be received by a person in that subordinate situation.

The minuteness with which these accounts appear to have been kept, and the precision with which the date of each particular, sometimes of very small sums, is stated, give them the appearance of authenticity, as far as it can be conveyed on the face or in the construction of such accounts, and, if they were forgeries, laid them open to an easy detection. But no detection is easy, when no inquiry is made. It appears an offence of the highest order in the Directors concerned in this business, when, not satisfied with leaving such charges so long unexamined, they should venture to present to the king's servants the object of them for the highest trust which they have to bestow. If Mr. Stuart was really guilty, the possession of this post must furnish him not only with the means of renewing the former evil practices charged upon him, and of executing them upon a still larger scale, but of oppressing those unhappy persons who, under the supposed protection of the faith of the Company, had appeared to give evidence concerning his former misdemeanors.

This attempt in the Directors was the more surprising, when it is considered that two committees of this House were at that very time sitting upon an inquiry that related directly to their conduct, and that of their servants in India.

It was in the same spirit of defiance of Parliament, that at the same time they nominated Mr. Sulivan,

son to the then Chairman of the Court of Directors, to the succession to the same high trust in India. On these appointments, your Committee thought it proper to make those inquiries which the Court of Directors thought proper to omit. They first conceived it fitting to inquire what rank Mr. Sulivan bore in the service; and they thought it not unnecessary here to state the gradations in the service, according to the established usage of the Company.

Mr. Sulivan's situation at the time of his appointment.

The Company's civil servants generally go to India as *writers*, in which capacity they serve the Company *five years*. The next step, in point of rank, is to be a *factor*, and next to that a *junior merchant*; in each of which capacities they serve the Company *three years*. They then rise to the rank of *senior merchant*, in which situation they remain till called by rotation to the *Board of Trade*. Until the passing of the Regulation Act, in 1773, seniority entitled them to succeed to the *Council*, and finally gave them pretensions to the *government of the Presidency*.

The above gradation of the service, your Committee conceive, ought never to be superseded by the Court of Directors, without evident reason, in persons or circumstances, to justify the breach of an ancient order. The names, whether taken from civil or commercial gradation, are of no moment. The order itself is wisely established, and tends to provide a natural guard against partiality, precipitancy, and corruption in patronage. It affords means and opportunities for an examination into character; and among the servants it secures a strong motive to preserve a fair reputation. Your Committee find that no respect whatsoever was paid to this gradation in

the instance of Mr. Sulivan, nor is there any reason assigned for departing from it. They do not find that Mr. Sulivan had ever served the Company in any one of the above capacities, but was, in the year 1777, abruptly brought into the service, and sent to Madras to succeed as Persian Translator and Secretary to the Council.

Your Committee have found a letter from Mr. Sulivan to George Wombwell and William Devaynes, Esquires, Chairman and Deputy-Chairman of the Court of Directors, stating that he trusted *his applications* would have a place in their deliberations when Madras affairs were taken up. Of what nature those applications were your Committee cannot discover, as no traces of them appear on the Company's records, — nor whether any proofs of his ability, even as Persian Translator, which might entitle him to a preference to the many servants in India whose study and opportunities afforded them the means of becoming perfect masters of that language.

On the above letter your Committee find that the Committee of Correspondence proceeded; and on their recommendation the Court of Directors unanimously approved of Mr. Sulivan to be appointed to succeed to the posts of Secretary and Persian Translator.

Mr. Sulivan's succession of offices.

Conformably to the orders of the court, Mr. Sulivan succeeded to those posts; and the President and Council acquainted the Court of Directors that they had been obeyed. About five months after, it appears that Mr. Sulivan thought fit to resign the office of Persian Translator, to which he had been appointed by the Directors. In April, 1780, Mr. Sulivan is commended for his *great diligence as*

Secretary; in August following he obtains leave to accompany Mrs. Sulivan to Bengal, whence she is to proceed to Europe on account of her health; and he is charged with a commission from the President and Council of Fort St. George to obtain for that settlement supplies of grain, troops, and money, from the Governor-General and Council of Bengal. In October the Governor-General requests permission of the Council there to employ Mr. Sulivan as his *Assistant*, for that he had experienced (between his arrival in Bengal and that time) the abilities of Mr. Sulivan, and made choice of him as *completely qualified for that trust;* also requests the board to appoint him Judge-Advocate-General, and likewise to apply to the Presidency of Madras for him to remain in Bengal without prejudice to his rank on their establishment: which several requests the board at Madras readily complied with, notwithstanding their natural sensibility to the loss of a Secretary of such ability and diligence as they had described Mr. Sulivan to be.

On the 5th of December following, the President and Council received a letter from Bengal, requesting that Mr. Sulivan might be allowed to keep his rank. This request brought on some discussion. A Mr. Freeman, it seems, who had acted under Mr. Sulivan as Sub-Secretary whilst his principal obtained so much praise for his diligence, addressed the board on the same day, and observed, "that, since Mr. Sulivan's arrival, *he* [Mr. Freeman] had, *without intermission*, done almost the *whole* of the duty allotted to the post of Secretary, *which it was notorious Mr. Sulivan had paid but little attention to;* and neither his inclination or duty led him to act any longer as Mr. Sulivan's deputy."

Here your Committee cannot avoid remarking the direct contradiction which this address of Mr. Freeman's gives to the letter from the President and Council to the Court of Directors in April, 1780, wherein Mr. Sulivan is praised for his "diligence and attention in his office of Secretary."

The President and Council do not show any displeasure at Mr. Freeman's representation, (so contrary to their own,) the truth of which they thus tacitly admit, but agree to write to the Governor-General and Council, "that it could not be supposed that they could carry on the public business for any length of time without *the services of a Secretary* and Clerk of Appeals, two offices that required personal attendance, and which would be a general injury to the servants on their establishment, and in particular to the person who acted in those capacities, as they learnt that Mr. Sulivan had been appointed Judge-Advocate-General in Bengal, — and to request the Governor-General and Council to inform Mr. Sulivan of their sentiments, and to desire him to inform them whether he meant to return to his station or to remain in Bengal."

On the 5th December, as a mark of their approbation of Mr. Freeman, who had so plainly contradicted their opinion of Mr. Sulivan, the President and Council agree to appoint him to act as Secretary and Clerk of Appeals, till Mr. Sulivan's answer should arrive, with the emoluments, and to confirm him therein, if Mr. Sulivan should remain in Bengal.

On the 14th February, 1781, the President and Council received a letter from Bengal in reply, and stating their request that Mr. Sulivan might reserve the right of returning to his original situation on the

Madras establishment, if the Court of Directors should disapprove of his being transferred to Bengal. To this request the board at Madras declare they have no objection: and here the matter rests; the Court of Directors not having given any tokens of approbation or disapprobation of the transaction.

Such is the history of Mr. Sulivan's service from the time of his appointment; such were the qualifications, and such the proofs of assiduity and diligence given by him in holding so many incompatible offices, (as well as being engaged in other dealings, which will appear in their place,) when, after three years' desultory residence in India, he was thought worthy to be nominated to the succession to the Supreme Council. No proof whatsoever of distinguished capacity in any line preceded his original appointment to the service: so that the whole of his fitness for the Supreme Council rested upon his conduct and character since his appointment as Persian Translator.

Your Committee find that his Majesty has not yet given his approbation to the nomination, made by the Court of Directors on the 30th of August, 1781, of Messrs. Stuart and Sulivan to succeed to the Supreme Council on the first vacancies, though the Court applied for the royal approbation so long ago as the 19th of September, 1781; and in these instances the king's ministers performed their duty, in withholding their countenance from a proceeding so exceptionable and of so dangerous an example.

Your Committee, from a full view of the situation and duties of the Court of Directors, are of opinion that effectual means ought to be taken for regulating that court in such a manner as to prevent either rivalship with or subserviency to their servants. It

might, therefore, be proper for the House to consider whether it is fit that those who are, or have been within some given time, Directors of the Company, should be capable of an appointment to any offices in India. Directors can never properly govern those for whose employments they are or may be themselves candidates; they can neither protect nor coerce them with due impartiality or due authority.

If such rules as are stated by your Committee under this head were observed in the regular service at home and abroad, the necessity of superseding the regular service by strangers would be more rare; and whenever the servants were so superseded, those who put forward other candidates would be obliged to produce a strong plea of merit and ability, which, in the judgment of mankind, ought to overpower pretensions so authentically established, and so rigorously guarded from abuse.

Deficiency of powers to ministers of government.

The second object, in this part of the plan, of the act of 1773, namely, that of inspection by the ministers of the crown, appears not to have been provided for, so as to draw the timely and productive attention of the state on the grievances of the people of India, and on the abuses of its government. By the Regulating Act, the ministers were enabled to inspect one part of the correspondence, that which was received in England, but not that which went outward. They might know something, but that very imperfectly and unsystematically, of the state of affairs; but they were neither authorized to advance nor to retard any measure taken by the Directors in consequence of that state: they were not provided even with sufficient means of knowing what any of these measures

were. And this imperfect information, together with the want of a direct call to any specific duty, might have, in some degree, occasioned that remissness which rendered even the imperfect powers originally given by the act of 1773 the less efficient. This defect was in a great measure remedied by a subsequent act; but that act was not passed until the year 1780.

Disorders increased since 1773.

Your Committee find that during the whole period which elapsed from 1773 to the commencement of 1782 disorders and abuses of every kind multiplied. Wars contrary to policy and contrary to public faith were carrying on in various parts of India. The allies, dependants, and subjects of the Company were everywhere oppressed; * dissensions in the Supreme Council prevailed, and continued for the greater part of that time; the contests between the civil and judicial powers threatened that issue to which they came at last, an armed resistance to the authority of the king's court of justice; the orders which by an act of Parliament the servants were bound to obey were avowedly and on principle contemned; until at length the fatal effects of accumulated misdemeanors abroad and neglects at home broke out in the alarming manner which your Committee have so fully reported to this House.†

Proceedings in India not known to Parliament.

In all this time the true state of the several Presidencies, and the real conduct of the British government towards the natives, was not at all known to Parliament: it seems to have been very imperfectly known even to ministers. Indeed, it required an unbroken attention, and much

* Vide Secret Committee Reports.

† Vide Select Committee Reports, 1781.

comparison of facts and reasonings, to form a true judgment on that difficult and complicated system of politics, revenue, and commerce, whilst affairs were only in their progress to that state which produced the present inquiries. Therefore, whilst the causes of their ruin were in the height of their operation, both the Company and the natives were understood by the public as in circumstances the most assured and most flourishing; insomuch that, whenever the affairs of India were brought before Parliament, as they were two or three times during that period, the only subject-matter of discussion anywise important was concerning the sums which might be taken out of the Company's surplus profits for the advantage of the state. Little was thought of but the disengagement of the Company from their debts in *England*, and to prevent the servants abroad from drawing upon them, so as that body might be enabled, without exciting clamors here, to afford the contribution that was demanded. All descriptions of persons, either here or in India, looking solely to appearances at home, the reputation of the Directors depended on the keeping the Company's sales in a situation to support the dividend, that of the ministers depended on the most lucrative bargains for the Exchequer, and that of the servants abroad on the largest investments; until at length there is great reason to apprehend, that, unless some very substantial reform takes place in the management of the Company's affairs, nothing will be left for investment, for dividend, or for bargain, and India, instead of a resource to the public, may itself come, in no great length of time, to be reckoned amongst the public burdens.

In this manner the inspection of the ministers of

the crown, the great cementing regulation of the whole act of 1773, has, along with all the others, entirely failed in its effect.

Inspection of ministers has failed in effect.

Your Committee, in observing on the failure of this act, do not consider the intrinsic defects or mistakes in the law itself as the sole cause of its miscarriage. The general policy of the nation with regard to this object has been, they conceive, erroneous; and no remedy by laws, under the prevalence of that policy, can be effectual. Before any remedial law can have its just operation, the affairs of India must be restored to their natural order. The prosperity of the natives must be previously secured, before any profit from them whatsoever is attempted. For as long as a system prevails which regards the transmission of great wealth to this country, either for the Company or the state, as its principal end, so long will it be impossible that those who are the instruments of that scheme should not be actuated by the same spirit for their own private purposes. It will be worse: they will support the injuries done to the natives for their selfish ends by new injuries done in favor of those before whom they are to account. It is not reasonably to be expected that a public rapacious and improvident should be served by any of its subordinates with disinterestedness or foresight.

Failure in the act.

II. — CONNECTION OF GREAT BRITAIN WITH INDIA.

In order to open more fully the tendency of the policy which has hitherto prevailed, and that the House may be enabled, in any regulations which may be made, to follow the tracks of the abuse, and

to apply an appropriated remedy to a particular distemper, your Committee think it expedient to consider in some detail the manner in which India is connected with this kingdom, — which is the second head of their plan.

The two great links by which this connection is maintained are, first, the East India Company's commerce, and, next, the government set over the natives by that company and by the crown. The first of these principles of connection, namely, the East India Company's trade, is to be first considered, not only as it operates by itself, but as having a powerful influence over the general policy and the particular measures of the Company's government. Your Committee apprehend that the present state, nature, and tendency of this trade are not generally understood.

Trade to India formerly carried on chiefly in silver.

Until the acquisition of great territorial revenues by the East India Company, the trade with India was carried on upon the common principles of commerce, — namely, by sending out such commodities as found a demand in the India market, and, where that demand was not adequate to the reciprocal call of the European market for Indian goods, by a large annual exportation of treasure, chiefly in silver. In some years that export has been as high as six hundred and eighty thousand pounds sterling. The other European companies trading to India traded thither on the same footing. Their export of bullion was probably larger in proportion to the total of their commerce, as their commerce itself bore a much larger proportion to the British than it does at this time or has done for many years past. But stating it to be equal to

the British, the whole of the silver sent annually from Europe into Hindostan could not fall very short of twelve or thirteen hundred thousand pounds a year. This influx of money, poured into India by an emulation of all the commercial nations of Europe, encouraged industry and promoted cultivation in a high degree, notwithstanding the frequent wars with which that country was harassed, and the vices which existed in its internal government. On the other hand, the export of so much silver was sometimes a subject of grudging and uneasiness in Europe, and a commerce carried on through such a medium to many appeared in speculation of doubtful advantage. But the practical demands of commerce bore down those speculative objections. The East India commodities were so essential for animating all other branches of trade, and for completing the commercial circle, that all nations contended for it with the greatest avidity. The English company flourished under this exportation for a very long series of years. The nation was considerably benefited both in trade and in revenue; and the dividends of the proprietors were often high, and always sufficient to keep up the credit of the Company's stock in heart and vigor.

How trade carried on since.

But at or very soon after the acquisition of the territorial revenues to the English company, the period of which may be reckoned as completed about the year 1765, a very great revolution took place in commerce as well as in dominion; and it was a revolution which affected the trade of Hindostan with all other European nations, as well as with that in whose favor and by whose power it was accomplished. From that time bullion was no

longer regularly exported by the English East India Company to Bengal, or any part of Hindostan; and it was soon exported in much smaller quantities by any other nation. A new way of supplying the market of Europe, by means of the British power and influence, was invented: a species of trade (if such it may be called) by which it is absolutely impossible that India should not be radically and irretrievably ruined, although our possessions there were to be ordered and governed upon principles diametrically opposite to those which now prevail in the system and practice of the British company's administration.

Investments.

A certain portion of the revenues of Bengal has been for many years set apart to be employed in the purchase of goods for exportation to England, and this is called the *Investment.* The greatness of this investment has been the standard by which the merit of the Company's principal servants has been too generally estimated; and this main cause of the impoverishment of India has been generally taken as a measure of its wealth and prosperity. Numerous fleets of large ships, loaded with the most valuable commodities of the East, annually arriving in England, in a constant and increasing succession, imposed upon the public eye, and naturally gave rise to an opinion of the happy condition and growing opulence of a country whose surplus productions occupied so vast a space in the commercial world. This export from India seemed to imply also a reciprocal supply, by which the trading capital employed in those productions was continually strengthened and enlarged. But the payment of a tribute, and not a beneficial commerce to that

country, wore this specious and delusive appearance.

Increase of expenses.

The fame of a great territorial revenue, exaggerated, as is usual in such cases, beyond even its value, and the abundant fortunes of the Company's officers, military and civil, which flowed into Europe with a full tide, raised in the proprietors of East India stock a premature desire of partaking with their servants in the fruits of that splendid adventure. Government also thought they could not be too early in their claims for a share of what they considered themselves as entitled to in every foreign acquisition made by the power of this kingdom, through whatever hands or by whatever means it was made. These two parties, after some struggle, came to an agreement to divide between them the profits which their speculation proposed to realize in England from the territorial revenue in Bengal. About two hundred thousand pounds was added to the annual dividends of the proprietors. Four hundred thousand was given to the state, which, added to the old dividend, brought a constant charge upon the mixed interest of Indian trade and revenue of eight hundred thousand pounds a year. This was to be provided for at all events.

By that vast demand on the territorial fund, the correctives and qualifications which might have been gradually applied to the abuses in Indian commerce and government were rendered extremely difficult.

Progress of investments.

The practice of an investment from the revenue began in the year 1766, before arrangements were made for securing and appropriating an assured fund for that purpose in the treasury, and for diffusing it from thence upon the

manufactures of the country in a just proportion and in the proper season. There was, indeed, for a short time, a surplus of cash in the treasury. It was in some shape to be sent home to its owners. To send it out in silver was subject to two manifest inconveniences. First, the country would be exhausted of its circulating medium. A scarcity of coin was already felt in Bengal. Cossim Ali Khân, (the Nabob whom the Company's servants had lately set up, and newly expelled,) during the short period of his power, had exhausted the country by every mode of extortion; in his flight he carried off an immense treasure, which has been variously computed, but by none at less than three millions sterling. A country so exhausted of its coin, and harassed by three revolutions rapidly succeeding each other, was rather an object that stood in need of every kind of refreshment and recruit than one which could subsist under new evacuations. The next, and equally obvious inconvenience, was to the Company itself. To send silver into Europe would be to send it from the best to the worst market. When arrived, the most profitable use which could be made of it would be to send it back to Bengal for the purchase of Indian merchandise. It was necessary, therefore, to turn the Company's revenue into its commerce. The first investment was about five hundred thousand pounds, and care was taken afterwards to enlarge it. In the years 1767 and 1768 it arose to seven hundred thousand.

Consequences of them.

This new system of trade, carried on through the medium of power and public revenue, very soon produced its natural effects. The loudest complaints arose among the natives, and among all the foreigners who traded to Bengal.

It must unquestionably have thrown the whole mercantile system of the country into the greatest confusion. With regard to the natives, no expedient was proposed for their relief. The case was serious with respect to European powers. The Presidency plainly represented to the Directors, that some agreement should be made with foreign nations for providing their investment to a certain amount, or that the deficiencies then subsisting must terminate in an open rupture with France. The Directors, pressed by the large payments in England, were not free to abandon their system; and all possible means of diverting the manufactures into the Company's investment were still anxiously sought and pursued, until the difficulties of the foreign companies were at length removed by the natural flow of the fortunes of the Company's servants into Europe, in the manner which will be stated hereafter.

But, with all these endeavors of the Presidency, the investment sunk in 1769, and they were even obliged to pay for a part of the goods to private merchants in the Company's bonds, bearing interest. It was plain that this course of business could not hold. The manufacturers of Bengal, far from being generally in a condition to give credit, have always required advances to be made to them; so have the merchants very generally, — at least, since the prevalence of the English power in India. It was necessary, therefore, and so the Presidency of Calcutta represented the matter, to provide beforehand a year's advance. This required great efforts; and they were made. Notwithstanding the famine in 1770, which wasted Bengal in a manner dreadful beyond all example, the investment, by a variety

of successive expedients, many of them of the most dangerous nature and tendency, was forcibly kept up; and even in that forced and unnatural state it gathered strength almost every year. The debts contracted in the infancy of the system were gradually reduced, and the advances to contractors and manufacturers were regularly made; so that the goods from Bengal, purchased from the territorial revenues, from the sale of European goods, and from the produce of the monopolies, for the four years which ended with 1780, when the investment from the surplus revenues finally closed, were never less than a million sterling, and commonly nearer twelve hundred thousand pounds. This million is the lowest value of the goods sent to Europe for which no satisfaction is made.*

Remittances from Bengal to China and the Presidencies.

About an hundred thousand pounds a year is also remitted from Bengal, on the Company's account, to China; and the whole of the product of that money flows into the direct trade from China to Europe. Besides this, Bengal sends a regular supply in time of peace to those Presidencies which are unequal to their own establishment. To Bombay the remittance in money, bills, or goods, for none of which there is a return, amounts to one hundred and sixty thousand pounds a year at a medium.

Exports from England to India.

The goods which are exported from Europe to India consist chiefly of military and naval stores, of clothing for troops, and of other objects for the consumption of the Europeans residing there; and, excepting some lead, copper uten-

* The sale, to the amount of about one hundred thousand pounds annually, of the export from Great Britain ought to be deducted from this million.

sils and sheet copper, woollen cloth, and other commodities of little comparative value, no sort of merchandise is sent from England that is in demand for the wants or desires of the native inhabitants.

Bad effects of investment.

When an account is taken of the intercourse (for it is not commerce) which is carried on between Bengal and England, the pernicious effects of the system of investment from revenue will appear in the strongest point of view. In that view, the whole exported produce of the country, so far as the Company is concerned, is not exchanged in the course of barter, but is taken away without any return or payment whatsoever. In a commercial light, therefore, England becomes annually bankrupt to Bengal to the amount nearly of its whole dealing; or rather, the country has suffered what is tantamount to an annual plunder of its manufactures and its produce to the value of twelve hundred thousand pounds.

Foreign companies.

In time of peace, three foreign companies appear at first sight to bring their contribution of trade to the supply of this continual drain. These are the companies of France, Holland, and Denmark. But when the object is considered more nearly, instead of relief, these companies, who from their want of authority in the country might seem to trade upon a principle merely commercial, will be found to add their full proportion to the calamity brought upon Bengal by the destructive system of the ruling power; because the greater part of the capital of all these companies, and perhaps the whole capital of some of them, is furnished exactly as the British is, out of the revenues of the country. The civil and military servants of the English

Consequences of their trade.

East India Company being restricted in drawing bills upon Europe, and none of them ever making or proposing an establishment in India, a very great part of their fortunes, well or ill gotten, is in all probability thrown, as fast as required, into the cash of these companies.

In all other countries, the revenue, following the natural course and order of things, arises out of their commerce. Here, by a mischievous inversion of that order, the whole foreign maritime trade, whether English, French, Dutch, or Danish, arises from the revenues; and these are carried out of the country without producing anything to compensate so heavy a loss.

Foreign companies' investments.

Your Committee have not been able to discover the entire value of the investment made by foreign companies. But, as the investment which the English East India Company derived from its revenues, and even from its public credit, is for the year 1783 to be wholly stopped, it has been proposed to private persons to make a subscription for an investment on their own account. This investment is to be equal to the sum of 800,000*l.* Another loan has been also made for an investment on the Company's account to China of 200,000*l.* This makes a million; and there is no question that much more could be readily had for bills upon Europe. Now, as there is no doubt that the whole of the money remitted is the property of British subjects, (none else having any interest in remitting to Europe,) it is not unfair to suppose that a very great part, if not the whole, of what may find its way into this new channel is not newly created, but only diverted from those channels in which it formerly ran, that is, the cash of the foreign trading companies.

Besides the investment made in goods by foreign companies from the funds of British subjects, these subjects have been for some time in the practice of sending very great sums in gold and silver directly to China on their own account. In a memorial presented to the Governor-General and Council, in March, 1782, it appears that the principal money lent by British subjects to one company of merchants in China then amounted to seven millions of dollars, about one million seven hundred thousand pounds sterling; and not the smallest particle of silver sent to China ever returns to India. It is not easy to determine in what proportions this enormous sum of money has been sent from Madras or from Bengal; but it equally exhausts a country belonging to this kingdom, whether it comes from the one or from the other.

Of the silver sent to China.

But that the greatness of all these drains, and their effects, may be rendered more visible, your Committee have turned their consideration to the employment of those parts of the Bengal revenue which are not employed in the Company's own investments for China and for Europe. What is taken over and above the investment (when any investment can be made) from the gross revenue, either for the charge of collection or for civil and military establishments, is in time of peace two millions at the least. From the portion of that sum which goes to the support of civil government the natives are almost wholly excluded, as they are from the principal collections of revenue. With very few exceptions, they are only employed as servants and agents to Europeans, or in the inferior departments of collection, when it is absolutely im-

Revenue above the investment, how applied.

possible to proceed a step without their assistance. For some time after the acquisition of the territorial revenue, the sum of 420,000*l.* a year was paid, according to the stipulation of a treaty, to the Nabob of Bengal, for the support of his government. This sum, however inconsiderable, compared to the revenues of the province, yet, distributed through the various departments of civil administration, served in some degree to preserve the natives of the better sort, particularly those of the Mahomedan profession, from being utterly ruined. The people of that persuasion, not being so generally engaged in trade, and not having on their conquest of Bengal divested the ancient Gentoo proprietors of their lands of inheritance, had for their chief, if not their sole support, the share of a moderate conqueror in all offices, civil and military. But your Committee find that this arrangement was of a short duration. Without the least regard to the subsistence of this innocent people, or to the faith of the agreement on which they were brought under the British government, this sum was reduced by a new treaty to 320,000*l.*, and soon after, (upon a pretence of the present Nabob's minority, and a temporary sequestration for the discharge of his debts,) to 160,000*l.*: but when he arrived at his majority, and when the debts were paid, (if ever they were paid,) the sequestration still continued; and so far as the late advices may be understood, the allowance to the Nabob appears still to stand at the reduced sum of 160,000*l.*

Allowance to Nabob of Bengal.

How reduced.

The other resource of the Mahomedans, and of the Gentoos of certain of the higher castes, was the army. In this army, nine tenths of which consists of natives, no native, of whatever de-

Native officers.

scription, holds any rank higher than that of a *Subahdar Commandant*, that is, of an officer below the rank of an English subaltern, who is appointed to each company of the native soldiery.

All lucrative employments in the hands of the English.

Your Committee here would be understood to state the ordinary establishment: for the war may have made some alteration. All the honorable, all the lucrative situations of the army, all the supplies and contracts of whatever species that belong to it, are solely in the hands of the English; so that whatever is beyond the mere subsistence of a common soldier and some officers of a lower rank, together with the immediate expenses of the English officers at their table, is sooner or later, in one shape or another, sent out of the country.

Such was the state of Bengal even in time of profound peace, and before the whole weight of the public charge fell upon that unhappy country for the support of other parts of India, which have been desolated in such a manner as to contribute little or nothing to their own protection.

Your Committee have given this short comparative account of the effects of the maritime traffic of Bengal, when in its natural state, and as it has stood since the prevalence of the system of an investment from the revenues. But before the formation of that system Bengal did by no means depend for its resources on its maritime commerce. The inland trade, from whence it derived a very great supply of silver and gold and many kinds of merchantable goods, was very considerable. The higher provinces of the Mogul Empire were then populous and opulent, and intercourse to an immense amount was carried on between them and Bengal.

Former state of trade.

A great trade also passed through these provinces from all the countries on the frontier of Persia, and the frontier provinces of Tartary, as well as from Surat and Baroach on the western side of India. These parts opened to Bengal a communication with the Persian Gulf and with the Red Sea, and through them with the whole Turkish and the maritime parts of the Persian Empire, besides the commercial intercourse which it maintained with those and many other countries through its own seaports.

During that period the remittances to the Mogul's treasury from Bengal were never very large, at least for any considerable time, nor very regularly sent; and the impositions of the state were soon repaid with interest through the medium of a lucrative commerce. But the disorders of Persia, since the death of Kouli Khân, have wholly destroyed the trade of that country; and the trade to Turkey, by Jidda and Bussorah, which was the greatest and perhaps best branch of the Indian trade, is very much diminished. The fall of the throne of the Mogul emperors has drawn with it that of the great marts of Agra and Delhi. The utmost confusion of the northwestern provinces followed this revolution, which was not absolutely complete until it received the last hand from Great Britain. Still greater calamities have fallen upon the fine provinces of Rohilcund and Oude, and on the countries of Corah and Allahabad. By the operations of the British arms and influence, they are in many places turned to mere deserts, or so reduced and decayed as to afford very few materials or means of commerce.

And the trade to Turkey.

Such is the actual condition of the trade of Bengal since the establishment of the

State of trade in the Carnatic.

British power there. The commerce of the Carnatic, as far as the inquiries of your Committee have extended, did not appear with a better aspect, even before the invasion of Hyder Ali Khân, and the consequent desolation, which for many years to come must exclude it from any considerable part of the trading system.

It appears, on the examination of an intelligent person concerned in trade, and who resided at Madras for several years, that on his arrival there, which was in the year 1767, that city was in a flourishing condition, and one of the first marts in India; but when he left it, in 1779, there was little or no trade remaining, and but one ship belonging to the whole place. The evidence of this gentleman purports, that at his first acquaintance with the Carnatic it was a well-cultivated and populous country, and as such consumed many articles of merchandise; that at his departure he left it much circumscribed in trade, greatly in the decline as to population and culture, and with a correspondent decay of the territorial revenue.

Your Committee find that there has also been from Madras an investment on the Company's account, taking one year with another, very nearly on the same principles and with the same effects as that from Bengal; and they think it is highly probable, that, besides the large sums remitted directly from Madras to China, there has likewise been a great deal on a private account, for that and other countries, invested in the cash of foreign European powers trading on the coast of Coromandel. But your Committee have not extended their inquiries relative to the commerce of the countries dependent on Madras so far as they have done with regard to Bengal. They have reason to ap-

prehend that the condition is rather worse; but if the House requires a more minute examination of this important subject, your Committee is willing to enter into it without delay.

III.—EFFECT OF THE REVENUE INVESTMENT ON THE COMPANY.

HITHERTO your Committee has considered this system of revenue investment, substituted in the place of a commercial link between India and Europe, so far as it affects India only: they are now to consider it as it affects the Company. So long as that corporation continued to receive a vast quantity of merchantable goods without any disbursement for the purchase, so long it possessed wherewithal to continue a dividend to pay debts, and to contribute to the state. But it must have been always evident to considerate persons, that this vast extraction of wealth from a country lessening in its resources in proportion to the increase of its burdens was not calculated for a very long duration. For a while the Company's servants kept up this investment, not by improving commerce, manufacture, or agriculture, but by forcibly raising the land-rents, on the principles and in the manner hereafter to be described. When these extortions disappointed or threatened to disappoint expectation, in order to purvey for the avarice which raged in England, they sought for expedients in breaches of all the agreements by which they were bound by any payment to the country powers, and in exciting disturbances among all the neighboring princes. Stimulating their ambition, and fomenting

their mutual animosities, they sold to them reciprocally their common servitude and ruin.

The Governor-General, Mr. Hastings, and the Council, tell the Directors, "that the supply for the investment has arisen from *casual* and *extraordinary* resources, which they could not expect *always* to command." In an earlier minute he expresses himself still more distinctly: he says, "If the internal resources of a state fail it, or are not equal to its *occasional* wants, whence can it obtain immediate relief but from *external* means?" Indeed, the investment has not been for any long time the natural product of the revenue of Bengal. When, by the vast charge and by the ill return of an evil political and military traffic, and by a prodigal increase of establishments, and a profuse conduct in distributing agencies and contracts, they found themselves under difficulties, instead of being cured of their immoral and impolitic delusion, they plunged deeper into it, and were drawn from expedient to expedient for the supply of the investment into that endless chain of wars which this House by its resolutions has so justly condemned. At home these measures were sometimes countenanced, sometimes winked at, sometimes censured, but always with an acceptance of whatever profit they afforded.

At length the funds for the investment and for these wars together could no longer be supplied. In the year 1778 the provision for the investment from the revenues and from the monopolies stood very high. It was estimated at a million four hundred thousand pounds; and of this it appears that a great deal was realized. But this was the high flood-tide of the investment; for in that year they announce

its probable decline, and that such extensive supplies could not be continued. The advances to the Board of Trade became less punctual, and many disputes arose about the time of making them. However, knowing that all their credit at home depended on the investment, or upon an opinion of its magnitude, whilst they repeat their warning of a probable deficiency, and that their "finances bore an unfavorable aspect," in the year 1779 they rate their investment still higher. But their payments becoming less and less regular, and the war carrying away all the supplies, at length Mr. Hastings, in December, 1780, denounced sentence of approaching dissolution to this system, and tells the Directors that "he bore too high a respect for their characters to treat them with the management of a preparatory and gradual introduction to an unpleasing report: that it is the *only substantial* information he shall have to convey in that letter." In confidence, therefore, of their fortitude, he tells them without ceremony, "that there will be a necessity of making a large reduction, or possibly a *total suspension*, of their investment;—that they had already been reduced to borrow near 700,000*l*. This resource," says he, "cannot last; it must cease at a certain period, and that perhaps not far *distant*."

He was not mistaken in his prognostic. Loans now becoming the regular resource for retrieving the investment, whose ruin was inevitable, the Council enable the Board of Trade, in April, 1781, to grant certificates for government bonds at eight per cent interest for about 650,000*l*. The investment was fixed at 900,000*l*.

But now another alarming system appeared. These

new bonds overloaded the market. Those which had been formerly issued were at a discount; the Board of Trade was obliged to advance, therefore, a fourth more than usual to the contractors. This seemed to satisfy that description of dealers. But as those who bought on agency were limited to no terms of mutual advantage, and the bonds on the new issue falling from three to eight, nine, and ten per cent discount, the agents were unable to furnish at the usual prices. Accordingly a discount was settled on such terms as could be made: the lowest discount, and that at two places only, was at four per cent; which, with the interest on the bonds, made (besides the earlier advance) at the least twelve per cent additional charge upon all goods. It was evident, that, as the investment, instead of being supported by the revenues, was sunk by the fall of their credit, so the net revenues were diminished by the daily accumulation of an interest accruing on account of the investment. What was done to alleviate one complaint thus aggravating the other, and at length proving pernicious to both, this trade on bonds likewise came to its period.

Your Committee has reason to think that the bonds have since that time sunk to a discount much greater even than what is now stated. The Board of Trade justly denominates their resource for that year "the sinking credit of a paper currency, laboring, from the uncommon scarcity of specie, under disadvantages scarcely surmountable." From this they value themselves "on having effected an *ostensible* provision, at least for that investment." For 1783 nothing appears even ostensible.

By this failure a total revolution ensued, of the most

extraordinary nature, and to which your Committee wish to call the particular attention of the House. For the Council-General, in their letter of the 8th of April, 1782, after stating that they were disappointed in their expectations, (how grounded it does not appear,) "thought that they should be able to spare a sum to the Board of Trade," — tell the Court of Directors, "that they had adopted a *new* method of keeping up the investment, by private subscribers for eighty lacs of rupees, which will find *cargoes for their ships* on the usual terms of privilege, *at the risk of the individuals*, and is to be repaid to them *according to the produce of the sales in England*," — and they tell the Directors, that "a copy of the plan makes a number in their separate dispatches over land."

It is impossible, in reporting this revolution to the House, to avoid remarking with what fidelity Mr. Hastings and his Council have adhered to the mode of transmitting their accounts which your Committee found it necessary to mark and censure in their First Report. Its pernicious tendency is there fully set forth. They were peculiarly called on for a most accurate state of their affairs, in order to explain the necessity of having recourse to such a scheme, as well as for a full and correct account of the scheme itself. But they send only the above short minute by one dispatch over land, whilst the copy of the plan itself, on which the Directors must form their judgment, is sent separately in another dispatch over land, which has never arrived. A third dispatch, which also contained the plan, was sent by a sea conveyance, and arrived late. The Directors have, for very obvious reasons, ordered, by a strict injunction, that they should send *duplicates of all* their dispatches by

every ship. The spirit of this rule, perhaps, ought to extend to every mode of conveyance. In this case, so far from sending a duplicate, they do not send even one perfect account. They announce a plan by one conveyance, and they send it by another conveyance, with other delays and other risks.

At length, at nearly four months' distance, the plan has been received, and appears to be substantially that which had been announced, but developing in the particulars many new circumstances of the greatest importance. By this plan it appears that the subscription, even in idea or pretence, is not for the use of the Company, but that the subscribers are united into a sort of society for the remitting their *private fortunes:* the goods, indeed, are said to be *shipped on the Company's account*, and they are directed to be sold on the same account, and at the usual periods of sales; but, after the payment of duties, and such other allowances as they choose to make, in the eleventh article they provide "that *the remainder of the sales shall revert to the subscribers*, and be declared to be *their property*, and divided in proportion to *their* respective shares." The compensation which they allow in this plan to their masters for their brokerage is, that, if, after deducting all the charges which they impose, "the amount of the sales *should be found* to exceed two shillings and twopence for the current rupee of the invoice account, it shall be taken by the Company." For the management of this concern in Bengal they choose commissioners by their own authority. By the same authority they form them into a body, they put them under rules and regulations, and they empower them also to make regulations of their own. They remit, by the like authority, the

duties to which all private trade is subject; and they charge the whole concern with seven per cent, to be paid from the net produce of the sales in England, as a recompense to the commissioners: for this the commissioners contract to bear all the charges on the goods to the time of shipping.

The servants having formed this plan of trade, and a new commission for the conduct of it, on their private account, it is a matter of consideration to know who the commissioners are. They turn out to be the three senior servants of the Company's Board of Trade, who choose to take upon them to be the factors of others for large emoluments, whilst they receive salaries of two thousand pounds and fifteen hundred pounds a year from the Company. As the Company have no other fund than the new investment from whence they are to be paid for the care of their servants' property, this commission and those salaries being to take place of their brokerage, they in effect render it very difficult, if not impossible, for them to derive advantage from their new occupation.

As to the benefit of this *plan:* besides preventing the loss which must happen from the Company's ships returning empty to Europe, and the stopping of all trade between India and England, the authors of it state, that it will "*open a new channel* of remittance, and abolish the practice, by precluding the necessity, of remitting *private fortunes* by *foreign bottoms*, and that it may lead to some *permanent mode* for remittance of private fortunes, and of combining it with the regular provision of the Company's investment, — that it will yield *some* profit to the Company without risk, and the national gain will be the same as upon the regular trade."

OF CALIFORNIA

As to the combination of this mode of remittance with the Company's investment, nothing can be affirmed concerning it until some satisfactory assurance can be held out that such an investment can ever be realized. Mr. Hastings and the gentlemen of the Council have not afforded any ground for such an expectation. That the Indian trade may become a permanent vehicle of the private fortunes of the Company's servants is very probable, — that is, as permanent as the means of acquiring fortunes in India; but that *some profit* will accrue to the Company is absolutely impossible. The Company are to bear all the charge outwards, and a very great part of that homewards; and their only compensation is the surplus commission on the sale of other people's goods. The nation will undoubtedly avoid great loss and detriment, which would be the inevitable consequence of the total cessation of the trade with Bengal and the ships returning without cargoes. But if this temporary expedient should be improved into a system, no occasional advantages to be derived from it would be sufficient to balance the mischiefs of finding a great Parliamentary corporation turned into a vehicle for remitting to England the private fortunes of those for whose benefit the territorial possessions in India are in effect and substance under this project to be *solely* held.

By this extraordinary scheme the Company is totally overturned, and all its relations inverted. From being a body concerned in trade on their own account, and employing their servants as factors, the servants have at one stroke taken the whole trade into their own hands, on their own capital of 800,000*l.*, at their own risk, and the Company are

become agents and factors to them, to sell by commission *their* goods for *their* profit.

To enable your Committee to form some judgment upon the profit which may accrue to the Company from its new relation and employment, they directed that an estimate should be made of the probable proceeds of an investment conducted on the principles of that intended to be realized for 1783. By this estimate, which is subjoined,* it appears to your Com-

* Estimate of the Sale Amount and Net Proceeds in England of the Cargoes to be sent from Bengal, agreeable to the Plan received by Letter dated the 8th April, 1782.

This calculation supposes the eighty lac investments will be equal to the tonnage of five ships.

[b] 2. To custom . .	£320,000	[a] 1. By sale amount of piece-goods and raw silk . .	£1,300,000
[c] 3. " freight . . .	200,000	Discount 6½ per cent allowed the buyers . . .	84,500
[d] 4. " 5 per cent duty on £1,300,000 . .	65,000		
[e] 5. " 2 do. warehouse room do. . .	26,000		
7 do. commission on £604,500 .	42,315		
	£653,315		
[f] 6. " Balance . . .	562,185		
	£1,215,500		£1,215,500

[a] 1. The sale amount is computed on an average of the sales of the two last years' imports.

[b] 2. The custom is computed on an average of what was paid on piece-goods and raw silk of said imports, adding additional imposts.

[c] 3. The ships going out of this season, (1782,) by which the above investment is expected to be sent home, are taken up at 47*l.* 5*s.* per ton, for the homeward cargo; this charge amounts to 35,815*l.* each ship; the additional wages to the men, which the Company pay, and a very small charge for demurrage, will increase the freight, &c., to 40,000*l.* per ship, agreeable to above estimate.

[d] 4. The duty of five per cent is charged by the Company on the gross sale amount of all private trade licensed to be brought from India: the amount of this duty is the only benefit the Company are likely to receive from the subscription investment.

[e] 5. This charge is likewise made on private trade goods, and is little, if anything, more than the real expense the Company are at on account of the same; therefore no benefit will probably arise to the Company from it on the sale of the said investment.

[f] 6. This is the sum which will probably be realized in England, and is only equal to 1*s.* 5*d.* per rupee, on the eighty lacs subscribed.

mittee, that, so far from any surplus profit from this transaction, the Bengal adventurers themselves, instead of realizing 2*s*. 2*d*. the rupee, (the standard they fix for their payment,) will not receive the 1*s*. 9*d*. which is its utmost value in silver at the Mint, nor probably above 1*s*. 5*d*. With this certain loss before their eyes, it is impossible that they can ever complete their subscription, unless, by management among themselves, they should be able to procure the goods for their own account upon other terms than those on which they purchased them for their masters, or unless they have for the supply of the Company on their hands a quantity of goods which they cannot otherwise dispose of. This latter case is not very improbable, from their proposing to send ten sixteenths of the whole investment in silk, — which, as will be seen hereafter, the Company has prohibited to be sent on their account, as a disadvantageous article. Nothing but the servants being overloaded can rationally account for their choice of so great a proportion of so dubious a commodity.

On the state made by two reports of a committee of the General Court in 1782, their affairs were even then reduced to a low ebb. But under the arrangement announced by Mr. Hastings and his colleagues, it does not appear, after this period of the servants' investment, from what fund the proprietors are to make any dividend at all. The objects of the sale from whence the dividend is to arise are not *their* goods: they stand accountable to others for the whole probable produce. The state of the Company's commerce will therefore become an object of serious consideration: an affair, as your Committee apprehends, of as much difficulty as ever tried the fac-

ulties of this House. For, on the one hand, it is plain that the system of providing the Company's import into Europe, resting almost wholly by an investment from its territorial revenues, has failed: during its continuance it was supported on principles fatal to the prosperity of that country. On the other hand, if the nominal commerce of the Company is suffered to be carried on for the account of the servants abroad, by investing the emoluments made in their stations, these emoluments are therefore inclusively authorized, and with them the practices from which they accrue. All Parliamentary attempts to reform this system will be contradictory to its institution. If, for instance, five hundred thousand pounds sterling annually be necessary for this kind of investment, any regulation which may prevent the acquisition of that sum operates against the investment which is the end proposed by the plan.

On this new scheme, (which is neither calculated for a future security nor for a present relief to the Company,) it is not visible in what manner the settlements in India can be at all upheld. The gentlemen in employments abroad call for the whole produce of the year's investment from Bengal; but for the payment of the counter-investment from Europe, which is for the far greater part sent out for the support of their power, no provision at all is made: they have not, it seems, agreed that it should be charged to their account, or that any deduction should be made for it from the produce of their sales in Leadenhall Street. How far such a scheme is preferable to the total suspension of trade your Committee cannot positively determine. In all likelihood, extraordinary expedients were necessary; but the causes

which induced this necessity ought to be more fully inquired into; for the last step in a series of conduct may be justifiable upon principles that suppose great blame in those which preceded it.

After your Committee had made the foregoing observations upon the plan of Mr. Hastings and his colleagues, transmitted to the Court of Directors, an extract of the Madras Consultations was a few days ago laid before us. This extract contains a letter from the Governor-General and Council of Bengal to the Presidency of Fort St. George, which affords a very striking, though to your Committee by no means an unexpected, picture of the instability of their opinions and conduct. On the 8th of April the servants had regularly formed and digested the above-mentioned plan, which was to form the basis for the investment of their own fortunes, and to furnish the sole means of the commercial existence of their masters. Before the 10th of the following May, which is the date of their letter to Madras, they inform Lord Macartney that they had fundamentally altered the whole scheme. "Instead," say they, "of allowing the subscribers to retain an interest in the goods, they are to be provided entirely on account of the Company, and transported *at their risk;* and the subscribers, instead of receiving certificates payable out of the produce of the sales in Europe, are to be granted receipts, on the payment of their advances, bearing an interest of eight per cent per annum, until exchanged for drafts on the Court of Directors, payable 365 days after sight, at the rate of two shillings per current rupee, — which drafts shall be granted in the proper time, of three eighths of the amount subscribed, on the 31st of December next, and the remaining five eighths on the 31st of December, 1783."

The plan of April divests the Company of all property in Bengal goods transported to Europe: but in recompense they are freed from all the risk and expense, they are not loaded with interest, and they are not embarrassed with bills. The plan of May reinstates them in their old relation: but in return, their revenues in Bengal are charged with an interest of eight per cent on the sum subscribed, until bills shall be drawn; they are made proprietors of cargoes purchased, under the disadvantage of that interest, at their own hazard; they are subjected to all losses; and they are involved in Europe for payments of bills to the amount of eighty lacs of rupees, at two shillings the rupee, — that is, in bills for eight hundred thousand pounds sterling. It is probably on account of the previous interest of eight per cent that the value of the rupee on this scheme is reduced. Mr. Hastings and his colleagues announce to Lord Macartney no other than the foregoing alteration in their plan.

It is discouraging to attempt any sort of observation on plans thus shifting their principle whilst their merits are under examination. The judgment formed on the scheme of April has nothing to do with the project of May. Your Committee has not suppressed any part of the reflections which occurred to them on the former of these plans: first, because the Company knows of no other by any regular transmissions; secondly, because it is by no means certain that before the expiration of June the Governor-General and Council may not revert to the plan of April. They speak of that plan as likely to be, or make a part of one that shall be, *permanent*. Many reasons are alleged by its authors in its favor, grounded on the state of their affairs; none whatever are assigned for

the alteration. It is, indeed, morally certain that persons who had money to remit must have made the same calculation which has been made by the directions of your Committee, and the result must have been equally clear to them, — which is, that, instead of realizing two shillings and twopence the rupee on their subscription, as they proposed, they could never hope to see more than one shilling and ninepence. This calculation probably shook the main pillar of the project of April. But, on the other hand, as the subscribers to the second scheme can have no certain assurance that the Company will accept bills so far exceeding their allowance in this particular, the necessity of remitting their fortunes may beat them back to their old ground. The Danish Company was the only means of remitting which remained. Attempts have been made with success to revive a Portuguese trade for that purpose. It is by no means clear whether Mr. Hastings and his colleagues will adhere to either of the foregoing plans, or, indeed, whether any investment at all to that amount can be realized; because nothing but the convenience of remitting the gains of British subjects to London can support any of these projects.

The situation of the Company, under this perpetual variation in the system of their investment, is truly perplexing. The manner in which they arrive at any knowledge of it is no less so. The letter to Lord Macartney, by which the variation is discovered, was not intended for transmission to the Directors. It was merely for the information of those who were admitted to a share of the subscription at Madras. When Mr. Hastings sent this information to those subscribers, he might well enough have presumed an

event to happen which did happen, — that is, that a vessel might be dispatched from Madras to Europe: and indeed, by that, and by every devisable means, he ought not only to have apprised the Directors of this most material change in the plan of the investment, but to have entered fully into the grounds and reasons of his making it.

It appears to your Committee that the ships which brought to England the plan of the 8th of April did not sail from Bengal until the 1st of May. If the change had been in contemplation for any time before the 30th of April, two days would have sufficed to send an account of it, and it might have arrived along with the plan which it affected. If, therefore, such a change was in agitation before the sailing of the ships, and yet was concealed when it might have been communicated, the concealment is censurable. It is not improbable that some change of the kind was made or meditated before the sailing of the ships for Europe: for it is hardly to be imagined that reasons wholly unlooked-for should appear for setting aside a plan concerning the success of which the Council-General seemed so very confident, that a new one should be proposed, that its merits should be discussed among the moneyed men, that it should be adopted in Council, and officially ready for transmission to Madras, in twelve or thirteen days. In this perplexity of plan and of transmission, the Court of Directors may have made an arrangement of their affairs on the groundwork of the first scheme, which was officially and authentically conveyed to them. The fundamental alteration of that plan in India might require another of a very different kind in England, which the arrangements taken in conse-

quence of the first might make it difficult, if not impossible, to execute. What must add to the confusion is, that the alteration has not the regular and official authority of the original plan, and may be presumed to indicate with certainty nothing more than that the business is *again* afloat, and that no scheme is finally determined on. Thus the Company is left without any fixed data upon which they can make a rational disposition of their affairs.

The fact is, that the principles and economy of the Company's trade have been so completely corrupted by turning it into a vehicle for tribute, that, whenever circumstances require it to be replaced again upon a bottom truly commercial, hardly anything but confusion and disasters can be expected as the first results. Even before the acquisition of the territorial revenues, the system of the Company's commerce was not formed upon principles the most favorable to its prosperity; for, whilst, on the one hand, that body received encouragement by royal and Parliamentary charters, was invested with several ample privileges, and even with a delegation of the most essential prerogatives of the crown, — on the other, its commerce was watched with an invidious jealousy, as a species of dealing dangerous to the national interests. In that light, with regard to the Company's imports, there was a total prohibition from domestic use of the most considerable articles of their trade, — that is, of all silk stuffs, and stained and painted cottons. The British market was in a great measure interdicted to the British trader. Whatever advantages might arise to the general trading interests of the kingdom by this restraint, its East India interest was undoubtedly

injured by it. The Company is also, and has been from a very early period, obliged to furnish the Ordnance with a quantity of saltpetre at a certain price, without any reference to the standard of the markets either of purchase or of sale. With regard to their export, they were put also under difficulties upon very mistaken notions; for they were obliged to export annually a certain proportion of British manufactures, even though they should find for them in India none or but an unprofitable want. This compulsory export might operate, and in some instances has operated, in a manner more grievous than a tax to the amount of the loss in trade: for the payment of a tax is in general divided in unequal portions between the vender and consumer, the largest part falling upon the latter; in the case before us the tax may be as a dead charge on the trading capital of the Company.

The spirit of all these regulations naturally tended to weaken, in the very original constitution of the Company, the main-spring of the commercial machine, *the principles of profit and loss*. And the mischief arising from an inattention to those principles has constantly increased with the increase of its power. For when the Company had acquired the rights of sovereignty in India, it was not to be expected that the attention to profit and loss would have increased. The idea of remitting tribute in goods naturally produced an indifference to their price and quality, — the goods themselves appearing little else than a sort of package to the tribute. Merchandise taken as tribute, or bought in lieu of it, can never long be of a kind or of a price fitted to a market which stands solely on its commercial reputation.

The indifference of the mercantile sovereign to his trading advantages naturally relaxed the diligence of his subordinate factor-magistrates through all their gradations and in all their functions; it gave rise, at least so far as the principal was concerned, to much neglect of price and of goodness in their purchases. If ever they showed any extraordinary degrees of accuracy and selection, it would naturally be in favor of that interest to which they could not be indifferent. The Company might suffer above, the natives might suffer below; the intermediate party must profit to the prejudice of both.

Your Committee are of opinion that the Company is now arrived at that point, when, the investment from surplus revenue or from the spoil of war ceasing, it is become much more necessary to fix its commerce upon a commercial basis. And this opinion led your Committee to a detailed review of all the articles of the Indian traffic upon which the profit and loss was steady; and we have chosen a period of four years, during the continuance of the revenue investment, and prior to any borrowing or any extraordinary drawing of bills, in order to find out how far the trade, under circumstances when it will be necessary to carry it on by borrowing, or by bills, or by exportation of bullion, can be sustained in the former course, so as to secure the capital and to afford a reasonable dividend. And your Committee find that in the first four years the investment from Bengal amounted to 4,176,525*l.*; upon 2,260,277*l.* there was a gain of 186,337*l.*, and upon 1,916,248*l.* a loss of 705,566*l.*: so that the excess of loss above gain, upon the whole of the foregoing capital, was in the four years no less than 519,229*l.*

If the trade were confined to Bengal, and the Company were to trade on those terms upon a capital borrowed at eight per cent Indian interest, their revenues in that province would be soon so overpowered with debt, that those revenues, instead of supporting the trade, would be totally destroyed by it. If, on the other hand, the Company traded upon bills with every advantage, far from being in a condition to divide the smallest percentage, their bankruptcy here would be inevitable.

Your Committee then turned to the trade of the other factories and Presidencies, and they constantly found, that, as the power and dominion of the Company was less, their profit on the goods was greater. The investments of Madras, Bombay, and Bencoolen have, in the foregoing four years, upon a capital of 1,151,176*l.*, had a gain upon the whole of 329,622*l.* The greatest of all is that of Bencoolen, which, on a capital of 76,571*l.*, produced a profit of 107,760*l.* This, however, is but a small branch of the Company's trade. The trade to China, on a capital of 1,717,463*l.*, produced an excess of gain amounting to 874,096*l.*, which is about fifty per cent. But such was the evil influence of the Bengal investment, that not only the profits of the Chinese trade, but of all the lucrative branches taken together, were so sunk and ingulfed in it, that the whole profit on a capital of 7,045,164*l.* reached to no more than 684,489*l.*, that is, to 189,607*l.* less than the profit on the Chinese trade alone, — less than the total profits on the gainful trades taken together, 520,727*l.*

It is very remarkable, that in the year 1778, when the Bengal investment stood at the highest, that is, so high as 1,223,316*l.*, though the Chinese trade pro-

duced an excess of gain in that year of 209,243*l.*, and that no loss of moment could be added to that of Bengal, (except about 45,000*l.* on the Bombay trade,) the whole profit of a capital of 2,040,787*l.* amounted only to the sum of 9,480*l.*

The detail of the articles in which loss was incurred or gain made will be found in the Appendix, No. 24. The circumstances of the time have rendered it necessary to call up a vigorous attention to this state of the trade of the Company between Europe and India.

INTERNAL TRADE OF BENGAL.

THE internal trade of Bengal has next attracted the inquiries of your Committee.

The great and valuable articles of the Company's investment, drawn from the articles of internal trade, are raw silk, and various descriptions of piece-goods made of silk and cotton. These articles are not under any formal monopoly; nor does the Company at present exercise a *declared* right of preëmption with regard to them. But it does not appear that the trade in these particulars is or can be perfectly free, — not so much on account of any direct measures taken to prevent it as from the circumstances of the country, and the manner of carrying on business there: for the present trade, even in these articles, is built from the ruins of old monopolies and preëmptions, and necessarily partakes of the nature of its materials.

In order to show in what manner manufactures and trade so constituted contribute to the prosperity of the natives, your Committee conceives it proper to take, in this place, a short general view of the progress of the English policy with relation to the commerce of

Bengal, and the several stages and gradations by which it has been brought into its actual state. The modes of abuse, and the means by which commerce has suffered, will be considered in greater detail under the distinct heads of those objects which have chiefly suffered by them.

During the time of the Mogul government, the princes of that race, who omitted nothing for the encouragement of commerce in their dominions, bestowed very large privileges and immunities on the English East India Company, exempting them from several duties to which their natural-born subjects were liable. The Company's *dustuck*, or passport, secured to them this exemption at all the custom-houses and toll-bars of the country. The Company, not being able or not choosing to make use of their privilege to the full extent to which it might be carried, indulged their servants with a qualified use of their passport, under which, and in the name of the Company, they carried on a private trade, either by themselves or in society with natives, and thus found a compensation for the scanty allowances made to them by their masters in England. As the country government was at that time in the fulness of its strength, and that this immunity existed by a double connivance, it was naturally kept within tolerable limits.

But by the revolution in 1757 the Company's servants obtained a mighty ascendant over the native princes of Bengal, who owed their elevation to the British arms. The Company, which was new to that kind of power, and not yet thoroughly apprised of its real character and situation, considered itself still as a trader in the territories of a foreign potentate, in

the prosperity of whose country it had neither interest nor duty. The servants, with the same ideas, followed their fortune in the channels in which it had hitherto ran, only enlarging them with the enlargement of their power. For their first ideas of profit were not official; nor were their oppressions those of ordinary despotism. The first instruments of their power were formed out of evasions of their ancient subjection. The passport of the Company in the hands of its servants was no longer under any restraint; and in a very short time their immunity began to cover all the merchandise of the country. Cossim Ali Khân, the second of the Nabobs whom they had set up, was but ill disposed to the instruments of his greatness. He bore the yoke of this imperious commerce with the utmost impatience: he saw his subjects excluded as aliens from their own trade, and the revenues of the prince overwhelmed in the ruin of the commerce of his dominions. Finding his reiterated remonstrances on the extent and abuse of the passport ineffectual, he had recourse to an unexpected expedient, which was, to declare his resolution at once to annul all the duties on trade, setting it equally free to subjects and to foreigners.

Never was a method of defeating the oppressions of monopoly more forcible, more simple, or more equitable: no sort of plausible objection could be made; and it was in vain to think of evading it. It was therefore met with the confidence of avowed and determined injustice. The Presidency of Calcutta openly denied to the prince the power of protecting the trade of his subjects by the remission of his own duties. It was evident that his authority drew to its period: many reasons and motives concurred, and

his fall was hastened by the odium of the oppressions which he exercised voluntarily, as well as of those to which he was obliged to submit.

When this example was made, Jaffier Ali Khân, who had been deposed to make room for the last actor, was brought from penury and exile to a station the terms of which he could not misunderstand. During his life, and in the time of his children who succeeded to him, parts of the territorial revenue were assigned to the Company; and the whole, under the name of residency at the Nabob's court, was brought, directly or indirectly, under the control of British subjects. The Company's servants, armed with authorities delegated from the nominal government, or attended with what was a stronger guard, the fame of their own power, appeared as magistrates in the markets in which they dealt as traders. It was impossible for the natives in general to distinguish, in the proceedings of the same persons, what was transacted on the Company's account from what was done on their own; and it will ever be so difficult to draw this line of distinction, that as long as the Company does, directly or indirectly, aim at any advantage to itself in the purchase of any commodity whatever, so long will it be impracticable to prevent the servants availing themselves of the same privilege.

The servants, therefore, for themselves or for their employers, monopolized every article of trade, foreign and domestic: not only the raw merchantable commodities, but the manufactures; and not only these, but the necessaries of life, or what in these countries habit has confounded with them, — not only silk, cotton, piece-goods, opium, saltpetre, but not unfrequently salt, tobacco, betel-nut, and the grain

of most ordinary consumption. In the name of the country government they laid on or took off, and at their pleasure heightened or lowered, all duties upon goods: the whole trade of the country was either destroyed or in shackles. The acquisition of the Duanné, in 1765, bringing the English into the immediate government of the country in its most essential branches, extended and confirmed all the former means of monopoly.

In the progress of these ruinous measures through all their details, innumerable grievances were suffered by the native inhabitants, which were represented in the strongest, that is, their true colors, in England. Whilst the far greater part of the British in India were in eager pursuit of the forced and exorbitant gains of a trade carried on by power, contests naturally arose among the competitors: those who were overpowered by their rivals became loud in their complaints to the Court of Directors, and were very capable, from experience, of pointing out every mode of abuse.

The Court of Directors, on their part, began, though very slowly, to perceive that the country which was ravaged by this sort of commerce was their own. These complaints obliged the Directors to a strict examination into the real sources of the mismanagement of their concerns in India, and to lay the foundations of a system of restraint on the exorbitancies of their servants. Accordingly, so early as the year 1765, they confine them to a trade only in articles of export and import, and strictly prohibit them from all dealing in objects of internal consumption. About the same time the Presidency of Calcutta found it necessary to put a restraint upon themselves,

or at least to make show of a disposition (with which the Directors appear much satisfied) to keep their own enormous power within bounds.

But whatever might have been the intentions either of the Directors or the Presidency, both found themselves unequal to the execution of a plan which went to defeat the projects of almost all the English in India, — possibly comprehending some who were makers of the regulations. For, as the complaint of the country or as their own interest predominated with the Presidency, they were always shifting from one course to the other; so that it became as impossible for the natives to know upon what principle to ground any commercial speculation, from the uncertainty of the law under which they acted, as it was when they were oppressed by power without any color of law at all: for the Directors, in a few months after they had given these tokens of approbation to the above regulations in favor of the country trade, tell the Presidency, "It is with concern we see in *every page* of your Consultations *restrictions*, *limitations*, *prohibitions*, *affecting various articles of trade*." On their side, the Presidency freely confess that these monopolies of inland trade "were the foundation of all the bloodsheds, massacres, and confusions which have happened of late in Bengal."

Pressed in this urgent manner, the Directors came more specifically to the grievance, and at once annul all the passports with which their servants traded without duties, holding out means of compensation, of which it does not appear that any advantage was taken. In order that the duties which existed should no longer continue to burden the trade either of the servants or natives, they ordered that a number of

oppressive toll-bars should be taken away, and the whole number reduced to nine of the most considerable.

When Lord Clive was sent to Bengal to effect a reformation of the many abuses which prevailed there, he considered monopoly to be so inveterate and deeply rooted, and the just rewards of the Company's servants to be so complicated with that injustice to the country, that the latter could not easily be removed without taking away the former. He adopted, therefore, a plan for dealing in certain articles, which, as he conceived, rather ought to be called "a regulated and restricted trade" than a formal monopoly. By this plan he intended that the profits should be distributed in an orderly and proportioned manner for the reward of services, and not seized by each individual according to the measure of his boldness, dexterity, or influence.

But this scheme of monopoly did not subsist long, at least in that mode and for those purposes. Three of the grand monopolies, those of opium, salt, and saltpetre, were successively by the Company taken into their own hands. The produce of the sale of the two former articles was applied to the purchase of goods for their investment; the latter was exported in kind for their sales in Europe. The senior servants had a certain share of emolument allotted to them from a commission on the revenues. The junior servants were rigorously confined to salaries, on which they were unable to subsist according to their rank. They were strictly ordered to abstain from all dealing in objects of internal commerce. Those of export and import were left open to young men without mercantile experience, and wholly unprovided

with mercantile capitals, but abundantly furnished with large trusts of the public money, and with all the powers of an absolute government. In this situation, a religious abstinence from all illicit game was prescribed to men at nine thousand miles' distance from the seat of the supreme authority.

Your Committee is far from meaning to justify, or even to excuse, the oppressions and cruelties used by many in supplying the deficiencies of their regular allowances by all manner of extortion; but many smaller irregularities may admit some alleviation from thence. Nor does your Committee mean to express any desire of reverting to the mode (contrived in India, but condemned by the Directors) of rewarding the servants of an higher class by a regulated monopoly. Their object is to point out the deficiencies in the system, by which restrictions were laid that could have little or no effect whilst want and power were suffered to be united.

But the proceedings of the Directors at that time, though not altogether judicious, were in many respects honorable to them, and favorable, in the intention at least, to the country they governed. For, finding their trading capital employed against themselves and against the natives, and struggling in vain against abuses which were inseparably connected with the system of their own preference in trade, in the year 1773 they came to the manly resolution of setting an example to their servants, and gave up all use of power and influence in the two grand articles of their investment, silk and piece-goods. They directed that the articles should be bought at an equal and public market from the native merchants; and this order they directed to be published in all the principal marts of Bengal.

Your Committee are clearly of opinion that no better method of purchase could be adopted. But it soon appeared that in deep-rooted and inveterate abuses the wisest principles of reform may be made to operate so destructively as wholly to discredit the design, and to dishearten all persons from the prosecution of it. The Presidency, who seemed to yield with the utmost reluctance to the execution of these orders, soon made the Directors feel their evil influence upon their own investment; for they found the silk and cotton cloths rose twenty-five per cent above their former price, and a further rise of forty per cent was announced to them.

SILK.

What happened with regard to raw silk is still more remarkable, and tends still more clearly to illustrate the effects of commercial servitude during its unchecked existence, and the consequences which may be made to arise from its sudden reformation. On laying open the trade, the article of raw silk was instantly enhanced to the Company full eighty per cent. The contract made for that commodity, wound off in the Bengal method, which used to sell for less than six rupees, or thirteen shillings, for two pounds' weight, arose to nine rupees, or near twenty shillings, and the filature silk was very soon after contracted for at fourteen.

The Presidency accounted for this rise by observing that the price had before been *arbitrary*, and that the persons who purveyed for the Company paid no more than "what was *judged* sufficient for the maintenance of the first providers." This fact explains

more fully than the most labored description can do the dreadful effects of the monopoly on the cultivators. They had the *sufficiency* of their maintenance measured out by the judgment of those who were to profit by their labor; and this measure was not a great deal more, by their own account, than about two thirds of the value of that labor. In all probability it was much less, as these dealings rarely passed through intermediate hands without leaving a considerable profit. These oppressions, it will be observed, were not confined to the Company's share, which, however, covered a great part of the trade; but as this was an article permitted to the servants, the same power of arbitrary valuation must have been extended over the whole, as the market must be equalized, if any authority at all is extended over it by those who have an interest in the restraint. The price was not only raised, but in the manufactures the quality was debased nearly in an equal proportion. The Directors conceived, with great reason, that this rise of price and debasement of quality arose, not from the effect of a free market, but from the servants having taken that opportunity of throwing upon the market of their masters the refuse goods of their own private trade at such exorbitant prices as by mutual connivance they were pleased to settle. The mischief was greatly aggravated by its happening at a time when the Company were obliged to pay for their goods with bonds bearing an high interest.

The perplexed system of the Company's concerns, composed of so many opposite movements and contradictory principles, appears nowhere in a more clear light. If trade continued under restraint,

their territorial revenues must suffer by checking the general prosperity of the country: if they set it free, means were taken to raise the price and debase the quality of the goods; and this again fell upon the revenues, out of which the payment for the goods was to arise. The observations of the Company on that occasion are just and sagacious; and they will not permit the least doubt concerning the policy of these unnatural trades. "The amount of our Bengal cargoes, from 1769 to 1773, is 2,901,194*l.* sterling; and if the average increase of price be estimated at twenty-five per cent only, the amount of such increase is 725,298*l.* sterling. The above circumstances are exceedingly alarming to us; but what must be our concern, to find by the advices of our President and Council of 1773, that a further advance of forty per cent on Bengal goods was expected, and allowed to be the consequence of advertisements then published, authorizing a free trade in the service? We find the Duanné revenues are in general farmed for five years, and the aggregate increase estimated at only 183,170*l.* sterling (on a supposition that such increase will be realized); yet if the annual investment be sixty lacs, and the advance of price thirty per cent only, such advance will *exceed the increase of the revenue by no less than* 829,330*l. sterling.*"

The indignation which the Directors felt at being reduced to this distressing situation was expressed to their servants in very strong terms. They attributed the whole to their practices, and say, "We are far from being convinced that the competition which tends to raise the price of goods in Bengal is wholly between public European companies, or between merchants in general who export to foreign markets:

we are rather of opinion that the sources of this grand evil have been the extraordinary privileges granted to individuals in our service or under our license to trade without restriction throughout the provinces of Bengal, and the encouragement they have had to extend their trade to the uttermost, even in such goods as were proper for our investment, by observing the success of those persons who have from time to time *found means to dispose of their merchandise to our Governor and Council*, though of so bad a quality as to be sold here with great difficulty, after having been frequently refused, and put up at the next sale without price, to the very great discredit and disadvantage of the Company." In all probability the Directors were not mistaken; for, upon an inquiry instituted soon after, it was found that Cantû Babû, the banian or native steward and manager to Mr. Hastings, (late President,) held two of these contracts in his own name and that of his son for considerably more than 150,000*l*. This discovery brought on a prohibition from the Court of Directors of that suspicious and dangerous dealing in the stewards of persons in high office. The same man held likewise farms to the amount of 140,000*l*. a year of the landed revenue, with the same suspicious appearance, contrary to the regulations made under Mr. Hastings's own administration.

In the mortifying dilemma to which the Directors found themselves reduced, whereby the ruin of the revenues either by the freedom or the restraint of trade was evident, they considered the first as most rapid and urgent, and therefore once more revert to the system of their ancient preëmption, and destroy that freedom which they had so lately and with so

much solemnity proclaimed, and that before it could be abused or even enjoyed. They declare, that, "unwilling as we are to return to *the former coercive system* of providing an investment, or to abridge that freedom of commerce which has been so lately established in Bengal, yet at the same time finding it our indispensable duty to strike at the *root* of an evil which has been so severely felt by the Company, and which can no longer be supported, we hereby direct that all persons whatever in the Company's service, *or under our protection*, be absolutely prohibited, by public advertisement, from trading in any of those articles which compose our investment, directly or indirectly, except on account of and for the East India Company, until their investment is completed."

As soon as this order was received in Bengal, it was construed, as indeed the words seemed directly to warrant, to exclude all natives as well as servants from the trade, until the Company was supplied. The Company's preëmption was now authoritatively reëstablished, and some feeble and ostensible regulations were made to relieve the weavers who might suffer by it. The Directors imagined that the reëstablishment of their coercive system would remove the evil which fraud and artifice had grafted upon one more rational and liberal. But they were mistaken; for it only varied, if it did so much as vary, the abuse. The servants might as essentially injure their interest by a direct exercise of their power as by pretexts drawn from the freedom of the natives, — but with this fatal difference, that the frauds upon the Company must be of shorter duration under a scheme of freedom. That state admitted, and indeed led to, means of discovery and correction;

whereas the system of coercion was likely to be permanent. It carried force further than served the purposes of those who authorized it: it tended to cover all frauds with obscurity, and to bury all complaint in despair. The next year, therefore, that is, in the year 1776, the Company, who complained that their orders had been extended beyond their intentions, made a third revolution in the trade of Bengal. It was set free again, — so far, at least, as regarded the native merchants, — but in so imperfect a manner as evidently to leave the roots of old abuses in the ground. The Supreme Court of Judicature about this time (1776) also fulminated a charge against monopolies, without any exception of those authorized by the Company: but it does not appear that anything very material was done in consequence of it.

The trade became nominally free; but the course of business established in consequence of coercive monopoly was not easily altered. In order to render more distinct the principles which led to the establishment of a course and habit of business so very difficult to change as long as those principles exist, your Committee think it will not be useless here to enter into the history of the regulations made in the first and favorite matter of the Company's investment, the trade in *raw silk*, from the commencement of these regulations to the Company's perhaps finally abandoning all share in the trade which was their object.

RAW SILK.

THE trade in *raw silk* was at all times more popular in England than really advantageous to the Company. In addition to the old jealousy which pre

vailed between the Company and the manufactory interest of England, they came to labor under no small odium on account of the distresses of India. The public in England perceived, and felt with a proper sympathy, the sufferings of the Eastern provinces in all cases in which they might be attributed to the abuses of power exercised under the Company's authority. But they were not equally sensible to the evils which arose from a system of sacrificing the being of that country to the advantage of this. They entered very readily into the former, but with regard to the latter were slow and incredulous. It is not, therefore, extraordinary that the Company should endeavor to ingratiate themselves with the public by falling in with its prejudices. Thus they were led to increase the grievance in order to allay the clamor. They continued still, upon a larger scale, and still more systematically, that plan of conduct which was the principal, though not the most blamed, cause of the decay and depopulation of the country committed to their care.

With that view, and to furnish a cheap supply of materials to the manufactures of England, they formed a scheme which tended to destroy, or at least essentially to impair, the whole manufacturing interest of Bengal. A policy of that sort could not fail of being highly popular, when the Company submitted itself as an instrument for the improvement of British manufactures, instead of being their most dangerous rival, as heretofore they had been always represented.

They accordingly notified to their Presidency in Bengal, in their letter of the 17th of March, 1769, that "there was no branch of their trade they more

ardently wish to extend than that of raw silk." They disclaim, however, all desire of employing compulsory measures for that purpose, but recommended every mode of encouragement, and particularly by augmented wages, "*in order to induce manufacturers of wrought silk to quit that branch and take to the winding of raw silk.*"

Having thus found means to draw hands from the manufacture, and confiding in the strength of a capital drawn from the public revenues, they pursue their ideas from the purchase of their manufacture to the purchase of the material in its crudest state. "We recommend you to give an *increased price*, if necessary, *so as to take that trade out of the hands of other merchants and rival nations.*" A double bounty was thus given against the manufactures, both in the labor and in the materials.

It is very remarkable in what manner their vehement pursuit of this object led the Directors to a speedy oblivion of those equitable correctives before interposed by them, in order to prevent the mischiefs which were apparent in the scheme, if left to itself. They could venture so little to trust to the bounties given from the revenues a trade which had a tendency to dry up their source, that, by the time they had proceeded to the thirty-third paragraph of their letter, they revert to those very compulsory means which they had disclaimed but three paragraphs before. To prevent silk-winders from working in their private houses, where they might work for private traders, and to confine them to the Company's factories, where they could only be employed for the Company's benefit, they desire that the newly acquired power of government should be effectually employed.

"Should," say they, "this practice, through *inattention*, have been suffered to take place again, it will be proper to put a stop to it, which may *now be more effectually done by an absolute prohibition, under severe penalties, by the authority of government.*"

This letter contains a perfect plan of policy, both of compulsion and encouragement, which must in a very considerable degree operate destructively to the manufactures of Bengal. Its effect must be (so far as it could operate without being eluded) to change the whole face of that industrious country, in order to render it a field for the produce of crude materials subservient to the manufactures of Great Britain. The manufacturing hands were to be seduced from their looms by high wages, in order to prepare a raw produce for our market; they were to be locked up in the factories; and the commodity acquired by these operations was, in this immature state, carried out of the country, whilst its looms would be left without any material but the debased refuse of a market enhanced in its price and scanted in its supply. By the increase of the price of this and other materials, manufactures formerly the most flourishing gradually disappeared under the protection of Great Britain, and were seen to rise again and flourish on the opposite coast of India, under the dominion of the Mahrattas.

These restraints and encouragements seem to have had the desired effect in Bengal with regard to the diversion of labor from manufacture to materials. The trade of raw silk increased rapidly. But the Company very soon felt, in the increase of price and debasement of quality of the wrought goods, a loss to themselves which fully counterbalanced all the advan-

tages to be derived to the nation from the increase of the raw commodity. The necessary effect on the revenue was also foretold very early: for their servants in the principal silk-factories declared that the obstruction to the private trade in silk must in the end prove detrimental to the revenues, and that the investment clashes with the collection of these revenues. Whatsoever by bounties or immunities is encouraged out of a landed revenue has certainly some tendency to lessen the net amount of that revenue, and to forward a produce which does not yield to the gross collection, rather than one that does.

The Directors declare themselves unable to understand how this could be. Perhaps it was not so difficult. But, pressed as they were by the greatness of the payments which they were compelled to make to government in England, the cries of Bengal could not be heard among the contending claims of the General Court, of the Treasury, and of Spitalfields. The speculation of the Directors was originally fair and plausible, — so far as the mere encouragement of the commodity extended. Situated as they were, it was hardly in their power to stop themselves in the course they had begun. They were obliged to continue their resolution, at any hazard, increasing the investment. "The state of our affairs," say they, "requires the utmost extension of your investments. You are not to forbear sending even those sorts *which are attended with loss*, in case such should be necessary to supply an investment to as great an amount as *you can provide from your own resources;* and we have not the least doubt of your being thereby enabled to increase your consignments of this valuable branch of national commerce, even to the utmost of

your wishes. But it is our positive order that no part of such investment be provided with borrowed money which is to be repaid by *drafts upon our treasury in London;* since the license which has already been taken in this respect has involved us in difficulties which we yet know not how we shall surmount."

This very instructive paragraph lays open the true origin of the internal decay of Bengal. The trade and revenues of that country were (as the then system must necessarily have been) of secondary consideration at best. Present supplies were to be obtained, and present demands in England were to be avoided, at every expense to Bengal.

The spirit of increasing the investment from revenue at any rate, and the resolution of driving all competitors, Europeans or natives, out of the market, prevailed at a period still more early, and prevailed not only in Bengal, but seems, more or less, to have diffused itself through the whole sphere of the Company's influence. In 1768 they gave to the Presidency of Madras the following memorable instruction, strongly declaratory of their general system of policy.

"We shall depend upon your prudence," say they, "to discourage foreigners; and being intent, as you have been repeatedly acquainted, on bringing home as great a part of the revenues as possible in your manufactures, the outbidding them in those parts where they interfere with you would certainly prove an effectual step for answering that end. We therefore recommend it to you to offer such increase of price as you shall deem may be consistently given, — that, by beating them out of the market, the quantities by you to be provided may be proportionably

enlarged; and if you take this method, it is to be so cautiously practised as not to enhance the prices in the places immediately under your control. On this subject we must not omit the approval of your prohibiting the weavers of Cuddalore from making up any cloth of the same sortments that are provided for us; and if such prohibition is not now, it should by all means be in future, *made general, and strictly maintained.*"

This system must have an immediate tendency towards disordering the trade of India, and must finally end in great detriment to the Company itself. The effect of the restrictive system on the weaver is evident. The authority given to the servants to buy at an advanced price did of necessity furnish means and excuses for every sort of fraud in their purchases. The instant the servant of a merchant is admitted on his own judgment to overbid the market, or to send goods to his master which shall sell at loss, there is no longer any standard upon which his unfair practices can be estimated, or any effectual means by which they can be restrained. The hope entertained by the Directors, of confining this destructive practice of giving an enhanced price to a particular spot, must ever be found totally delusive. Speculations will be affected by this artificial price in every quarter in which markets can have the least communication with each other.

In a very few years the Court of Directors began to feel, even in Leadenhall Street, *the effects of trading to loss* upon the revenues, especially on those of Bengal. In the letter of February, 1774, they observe, that, "looking back to their accounts for the four preceding years, on several of the descriptions

of silk there has been an *increasing loss*, instead of any alteration for the better in the last year's productions. This," they say, "threatens the destruction of that valuable branch of national commerce." And then they recommend *such regulations* (as if regulations in that state of things could be of any service) as may obtain "a profit in future, instead of so considerable a loss, which *we can no longer sustain*."

Your Committee thought it necessary to inquire into the losses which had actually been suffered by this unnatural forced trade, and find the loss so early as the season of 1776 to be 77,650*l*., that in the year 1777 it arose to 168,205*l*. This was so great that worse could hardly be apprehended: however, in the season of 1778 it amounted to 255,070*l*. In 1779 it was not so ruinously great, because the whole import was not so considerable; but it still stood enormously high, — so high as 141,800*l*. In the whole four years it came to 642,725*l*. The observations of the Directors were found to be fully verified. It is remarkable that the same article in the China trade produced a considerable and uniform profit. On this circumstance little observation is necessary.

During the time of their struggles for enlarging this losing trade, which they considered as a national object, — what in one point of view it was, and, if it had not been grossly mismanaged, might have been in more than one, — in this part it is impossible to refuse to the Directors a very great share of merit. No degree of thought, of trouble, or of reasonable expense was spared by them for the improvement of the commodity. They framed with diligence, and apparently on very good information, a code of manufacturing regulations for that purpose; and several per-

sons were sent out, conversant in the Italian method of preparing and winding silk, aided by proper machines for facilitating and perfecting the work. This, under proper care, and in course of time, might have produced a real improvement to Bengal; but in the first instance it naturally drew the business from native management, and it caused a revulsion from the trade and manufactures of India which led as naturally and inevitably to an European monopoly, in some hands or other, as any of the modes of coercion which were or could be employed. The evil was present and inherent in the act. The means of letting the natives into the benefit of the improved system of produce was likely to be counteracted by the general ill conduct of the Company's concerns abroad. For a while, at least, it had an effect still worse: for the Company purchasing the raw cocoon or silk-pod at a fixed rate, the first producer, who, whilst he could wind at his own house, employed his family in this labor, and could procure a reasonable livelihood by buying up the cocoons for the Italian filature, now incurred the enormous and ruinous loss of fifty per cent. This appears in a letter to the Presidency, written by Mr. Boughton Rouse, now a member of your Committee. But for a long time a considerable quantity of that in the old Bengal mode of winding was bought for the Company from contractors, and it continues to be so bought to the present time: but the Directors complain, in their letter of the 12th of May, 1780, that both species, and particularly the latter, had risen so extravagantly that it was become more than forty per cent dearer than it had been fifteen years ago. In that state of price, they condemn their servants, very justly, for entering into contracts for three years, —

and that for several kinds of silk, of very different goodness, upon averages unfairly formed, where the commodities averaged at an equal price differed from twenty to thirty per cent on the sale. Soon after, they formed a regular scale of fixed prices, above which they found they could not trade without loss.

Whilst they were continuing these methods to secure themselves against future losses, the Bengal ships which arrived in that year announced nothing but their continuance. Some articles by the high price, and others from their ill quality, were such "as never could answer to be sent to Europe at any price." The Directors renew their prohibition of making fresh contracts, the present being generally to expire in the year 1781. But this trade, whose fundamental policy might have admitted of a doubt, as applied to Bengal, (whatever it might have been with regard to England,) was now itself expiring in the hands of the Company, so that they were obliged to apply to government for power to enlarge their capacity of receiving bills upon Europe. The purchase by these bills they entirely divert from raw silk, and order to be laid out wholly in piece-goods.

Thus, having found by experience that this trade, whilst carried on upon the old principles, of whatever advantage it might have been to the British manufacturers, or to the individuals who were concerned in it in Bengal, had proved highly detrimental to the Company, the Directors resolved to expunge the raw silk from their investment. They gave up the whole to private traders, on condition of paying the freight, charges, and duties, — permitting them to send it to Europe in the Company's ships upon their own account.

The whole of this history will serve to demonstrate that all attempts, which in their original system or in their necessary consequences tend to the distress of India, must, and in a very short time will, make themselves felt even by those in whose favor such attempts have been made. India may possibly in some future time bear and support itself under an extraction of measure [treasure?] or of goods; but much care ought to be taken that the influx of wealth shall be greater in quantity and prior in time to the waste.

On abandoning the trade in silk to private hands, the Directors issued some prohibitions to prevent monopoly, and they gave some directions about the improvement of the trade. The prohibitions were proper, and the directions prudent; but it is much to be feared, that, whilst all the means, instruments, and powers remain, by which monopolies were made, and through which abuses formerly prevailed, all verbal orders will be fruitless.

This branch of trade, being so long principally managed by the Company's servants for the Company and under its authority, cannot be easily taken out of their hands and pass to the natives, especially when it is to be carried on without the control naturally inherent in all participation. It is not difficult to conceive how this forced preference of traffic in a raw commodity must have injured the manufactures, while it was the policy of the Company to continue the trade on their own account. The servants, so far from deviating from their course, since they have taken the trade into their own management, have gone much further into it. The proportion of raw silk in the investment is to be augmented. The proportion of the whole cargoes for the year 1783, divided into sixteen

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parts, is ten of raw silk, and six only of manufactured goods. Such is the proportion of this losing article in the scheme for the investment of private fortunes.

In the reformed scheme of sending the investment on account of the Company, to be paid in bills upon Europe, no mention is made of any change of these proportions. Indeed, some limits are attempted on the article of silk, with regard to its price; and it is not improbable that the price to the master and the servant will be very different: but they cannot make profitable purchases of this article without strongly condemning all the former purchases of the Board of Trade.

CLOTHS, OR PIECE-GOODS.

THE general system above stated, relative to the silk trade, must materially have affected the manufactures of Bengal, merely as it was a system of preference. It does by no means satisfactorily appear to your Committee that the freedom held out by the Company's various orders has been ever fully enjoyed, or that the grievances of the native merchants and manufacturers have been redressed; for we find, on good authority, that, at that very period at which it might be supposed that these orders had their operation, the oppressions were in full vigor. They appear to have fallen heaviest on the city of Dacca, formerly the great staple for the finest goods in India, — a place once full of opulent merchants and dealers of all descriptions.

The city and district of Dacca, before the prevalence of the East India Company's influence and authority, manufactured annually to about three

hundred thousand pounds' value in cloths. In the year 1776 it had fallen to about two hundred thousand, or two thirds of its former produce. Of this the Company's demand amounted only to a fourth part, that is, about fifty thousand pounds yearly. This was at that time provided by agents for the Company, under the inspection of their commercial servants. On pretence of securing an advantage for this fourth part for their masters, they exerted a most violent and arbitrary power over the whole. It was asserted, that they fixed the Company's mark to such goods as they thought fit, (to all goods, as stated in one complaint,) and disposed of them as they thought proper, excluding not only all the native dealers, but the Dutch Company, and private English merchants, — that they made advances to the weavers often beyond their known ability to repay in goods within the year, and by this means, having got them in debt, held them in perpetual servitude. Their inability to keep accounts left them at the discretion of the agents of the supreme power to make their balances what they pleased, and they recovered them, not by legal process, but by seizure of their goods and arbitrary imprisonment of their persons. One and the same dealer made the advance, valued the return, stated the account, passed the judgment, and executed the process.

Mr. Rouse, Chief of the Dacca Province, who struggled against those evils, says, that in the year 1773 there were no balances due, as the trade was then carried on by the native brokers. In less than three years these balances amounted to an immense sum, — a sum lost to the Company, but existing in full force for every purpose of oppression. In the amount

of these balances almost every weaver in the country bore a part, and consequently they were almost all caught in this snare. "They are in general," says Mr. Rouse, in a letter to General Clavering, delivered to your Committee, "a timid, helpless people; many of them poor to the utmost degree of wretchedness; incapable of keeping accounts; industrious as it were by instinct; unable to defend themselves, if oppressed; and satisfied, if with continual labor they derive from the fair dealing and humanity of their employer a moderate subsistence for their families."

Such were the people who stood accused by the Company's agents as *pretending* grievances, in order to be excused the payment of their balances. As to the commercial state of the province in general, Mr. Rouse represents it "to be for these two years a perpetual scene of complaint and disputation; — the Company's agents professing to pay higher rates to weavers, whilst the Leadenhall sales showed an heavy loss to the Company; the weavers have even travelled in multitudes to prefer their complaints at the Presidency; the amount of the investment comparatively small, with balances comparatively large, and, as I understand, generally contested by the weavers; the native merchants, called *delâls*, removed from their influence, as prejudicial to the Company's concerns; and European merchants complaining against undue influence of the Company's commercial agents, in preventing the free purchase even of those goods which the Company never takes."

The spirit of those agents will be fully comprehended from a state of the proceedings before Mr. Rouse and Council, on the complaint of a Mr. Cree, an English free merchant at Dacca, who had been

twice treated in the same injurious manner by the agents of Mr. Hurst, the Commercial Chief at that place. On his complaint to the board of the seizure of the goods, and imprisonment of his agents, Mr. Hurst was called upon for an explanation. In return he informed them that he had sent to one of the villages to inquire concerning the matter of fact alleged. The impartial person sent to make this inquiry was the very man accused of the oppressions into which he was sent to examine. The answer of Mr. Hurst is in an high and determined tone. He does not deny that there are some instances of abuse of power. "But I ask," says he, "what *authority* can guard against the conduct of individuals? but that a *single* instance cannot be brought of a general depravity." Your Committee have reason to believe these coercive measures to have been very general, though employed according to the degree of resistance opposed to the monopoly; for we find at one time the whole trade of the Dutch involved in the general servitude. But it appears very extraordinary that nothing but the actual proof of a *general* abuse could affect a practice the very principle of which tends to make the coercion as general as the trade. Mr. Hurst's reflection concerning the abuse of *authority* is just, but in this case it is altogether inapplicable; because the complaint was not of the abuse, but of the use of authority in matters of trade, which ought to have been free. He throws out a variety of invidious reflections against the Council, as if they wanted zeal for the Company's service; his justification of his practices, and his declaration of his resolution to persevere in them, are firm and determined,— asserting the right and policy of such re-

straints, and laying down a rule for his conduct at the factory, which, he says, will give no cause of just complaint to private traders. He adds, "I have no doubt but that they have hitherto provided investments, and it cannot turn to my interest to preclude them *now*, though I must ever think it my duty to combat the private views of individuals who *set themselves up as competitors* under that very body under whose license and indulgence only they can derive their privilege of trade: all I contend for is the *same influence* my employers have ever had." He ends by declining any reply to any of their future references of this nature.

The whole of this extraordinary letter is inserted in the Appendix, No. 51, — and Mr. Rouse's minute of observations upon it in Appendix, No. 52, fully refuting the few pretexts alleged in that extraordinary performance in support of the trade by influence and authority. Mr. Hollond, one of the Council, joined Mr. Rouse in opinion that a letter to the purport of that minute should be written; but they were overruled by Messrs. Purling, Hogarth, and Shakespeare, who passed a resolution to defer sending any reply to Mr. Hurst: and none was ever sent. Thus they gave countenance to the doctrine contained in that letter, as well as to the mischievous practices which must inevitably arise from the exercise of such power. Some temporary and partial relief was given by the vigorous exertions of Mr. Rouse; but he shortly after removing from that government, all complaints were dropped.

It is remarkable, that, during the long and warm contest between the Company's agents and the dealers of Dacca, the Board of Trade seem to have taken a de-

cided part against the latter. They allow some sort of justice in the complaints of the manufacturers with regard to low valuation, and other particulars; but they say, that, "although" (during the time of pre-emption) "it appears that the weavers *were not allowed the same liberty of selling to individuals they before enjoyed*, our opinion on the whole is, that these complaints have originated upon the premeditated designs of the delâls [factors or brokers] *to thwart the new mode* of carrying on the Company's business, *and to render themselves necessary*." They say, in another place, that there is no ground for the dissatisfactions and difficulties of the weavers: "that they are owing to the delâls, *whose aim it is to be employed*."

This desire of being employed, and of rendering themselves necessary, in men whose only business it is to be employed in trade, is considered by the gentlemen of the board as no trivial offence; and accordingly they declare, "they have established it as *an invariable rule*, that, *whatever deficiency* there might be in the Dacca investment, no purchase of the manufactures of *that quarter* shall be made for account of the Company from private merchants. We have passed this resolution, which we deem of importance, from a persuasion that private merchants are often *induced* to make advances for Dacca goods, not by the ordinary chance of sale, but merely from an expectation of disposing of them at an enhanced price to the Company, against *whom a rivalship* is by this manner encouraged"; and they say, "that they intend to observe the *same* rule with respect to the investment of other of the factories from whence similar complaints may come."

This positive rule is opposed to the positive direc-

tions of the Company to employ those obnoxious persons by preference. How far this violent use of authority for the purpose of destroying rivalship has succeeded in reducing the price of goods to the Company has been made manifest by the facts before stated in their place.

The recriminatory charges of the Company's agents on the native merchants have made very little impression on your Committee. We have nothing in favor of them but the assertion of a party powerful and interested. In such cases of mutual assertion and denial, your Committee are led irresistibly to attach abuse to power, and to presume that suffering and hardship are more likely to attend on weakness than that any combination of unprotected individuals is of force to prevail over influence, power, wealth, and authority. The complaints of the native merchants ought not to have been treated in any of those modes in which they were then treated. And when men are in the situation of complainants against unbounded power, their abandoning their suit is far from a full and clear proof of their complaints being groundless. It is not because redress has been rendered impracticable that oppression does not exist; nor is the despair of sufferers any alleviation of their afflictions. A review of some of the most remarkable of the complaints made by the native merchants in that province is so essential for laying open the true spirit of the commercial administration, and the real condition of those concerned in trade there, that your Committee observing the records on this subject and at this period full of them, they could not think themselves justifiable in not stating them to the House

Your Committee have found many heavy charges of oppression against Mr. Barwell, whilst Factory Chief at Dacca; which oppressions are stated to have continued, and even to have been aggravated, on complaint at Calcutta. These complaints appear in several memorials presented to the Supreme Council of Calcutta, of which Mr. Barwell was a member. They appeared yet more fully and more strongly in a bill in Chancery filed in the Supreme Court, which was afterwards recorded before the Governor-General and Council, and transmitted to the Court of Directors.

Your Committee, struck with the magnitude and importance of these charges, and finding that with regard to those before the Council no regular investigation has ever taken place, and finding also that Mr. Barwell had asserted in a Minute of Council that he had given a full answer to the allegations in that bill, ordered a copy of the answer to be laid before your Committee, that they might be enabled to state to the House how far it appeared to them to be full, how far the charges were denied as to the fact, or, where the facts might be admitted, what justification was set up. It appeared necessary, in order to determine on the true situation of the trade and the merchants of that great city and district.

The Secretary to the Court of Directors has informed your Committee that no copy of the answer is to be found in the India House; nor has your Committee been able to discover that any has been transmitted. On this failure, your Committee ordered an application to be made to Mr. Barwell for a copy of his answer to the bill, and any other information with which he might be furnished with regard to that subject.

Mr. Barwell, after reciting the above letter, returned in answer what follows.

"Whether the records of the Supreme Court of Judicature are lodged at the India House I am ignorant, but on those records my answer is certainly to be found. At this distance of time I am sorry I cannot from memory recover the circumstances of this affair; but this I know, that the bill did receive a complete answer, and the people the fullest satisfaction: nor is it necessary for me to remark, that [in?] the state of parties at that time in Bengal, could party have brought forward any particle of that bill supported by any verified fact, the principle that introduced it in the proceedings of the Governor-General and Council would likewise have given the verification of that one circumstance, whatever that might have been. As I generally attend in my place in the House, I shall with pleasure answer any invitation of the gentlemen of the Committee to attend their investigations up stairs with every information and light in my power to give them.

"St. James's Square, 15th April, 1783."

Your Committee considered, that, with regard to the matter charged in the several petitions to the board, no sort of specific answer had been given at the time and place where they were made, and when and where the parties might be examined and confronted. It was considered also, that the bill had been transmitted, with other papers relating to the same matter, to the Court of Directors, with the knowledge and consent of Mr. Barwell, — and that he states that his answer had been filed, and no proceedings had upon it for eighteen months. In that

situation it was thought something extraordinary that no care was taken by him to transmit so essential a paper as his answer, and that he had no copy of it in his hands.

Your Committee, in this difficulty, thought themselves obliged to decline any verbal explanation from the person who is defendant in the suit, relative to matters which on the part of the complainant appear upon record, and to leave the whole matter, as it is charged, to the judgment of the House to determine how far it may be worthy of a further inquiry, or how far they may admit such allegations as your Committee could not think themselves justified in receiving. To this effect your Committee ordered a letter to be written Mr. Barwell; from whom they received the following answer.

"Sir, — In consequence of your letter of the 17th, I must request the favor of you to inform the Select Committee that I expect from their justice, on any matter of public record in which I am personally to be brought forward to the notice of the House, that they will at the same time point out to the House what part of such matter has been verified, and what parts have not nor ever were attempted to be verified, though introduced in debate and entered on the records of the Governor-General and Council of Bengal. I am anxious the information should be complete, or the House will not be competent to judge; and if it is complete, it will preclude all explanation as unnecessary.

"I am, Sir,

"Your most obedient humble servant,

"Richard Barwell.

"St. James's Square, 22nd April, 1783.

"P. S. As I am this moment returned from the country, I had it not in my power to be earlier in acknowledging your letter of the 17th."

Your Committee applied to Mr. Barwell to communicate any papers which might tend to the elucidation of matters before them in which he was concerned. This he has declined to do. Your Committee conceive that under the orders of the House they are by no means obliged to make a complete state of all the evidence which may tend to criminate or exculpate every person whose transactions they may find it expedient to report: this, if not specially ordered, has not hitherto been, as they apprehend, the usage of any committee of this House. It is not for your Committee, but for the discretion of the party, to call for, and for the wisdom of the House to institute, such proceedings as may tend finally to condemn or acquit. The Reports of your Committee are no charges, though they may possibly furnish *matter* for charge; and no representations or observations of theirs can either clear or convict on any proceeding which may hereafter be grounded on the facts which they produce to the House. Their opinions are not of a judicial nature. Your Committee has taken abundant care that every important fact in their Report should be attended with the authority for it, either in the course of their reflections or in the Appendix: to report everything upon every subject before them which is to be found on the records of the Company would be to transcribe, and in the event to print, almost the whole of those voluminous papers. The matter which appears before them is in a summary manner this.

The Dacca merchants begin by complaining that in November, 1773, Mr. Richard Barwell, then Chief of Dacca, had deprived them of their employment and means of subsistence; that he had extorted from them 44,224 Arcot rupees (4,731*l.*) by the terror of his threats, by long imprisonment, and cruel confinement in the stocks; that afterwards they were confined in a small room near the factory-gate, under a guard of sepoys; that their food was stopped, and they remained starving a whole day; that they were not permitted to take their food till next day at noon, and were again brought back to the same confinement, in which they were continued for six days, and were not set at liberty until they had given Mr. Barwell's banian a certificate for forty thousand rupees; that in July, 1774, when Mr. Barwell had left Dacca, they went to Calcutta to seek justice; that Mr. Barwell confined them in his house at Calcutta, and sent them back under a guard of peons to Dacca; that in December, 1774, on the arrival of the gentlemen from Europe, they returned to Calcutta, and preferred their complaint to the Supreme Court of Judicature.

The bill in Chancery filed against Richard Barwell, John Shakespeare, and others, contains a minute specification of the various acts of personal cruelty said to be practised by Mr. Barwell's orders, to extort money from these people. Among other acts of a similar nature he is charged with having ordered the appraiser of the Company's cloths, who was an old man, and who asserts that he had faithfully served the Company above sixteen years without the least censure on his conduct, to be severely flogged without reason.

In the *manner* of confining the delâls, with ten of their servants, it is charged on him, that, "when he first ordered them to be put into the stocks, it was at a time when the weather was exceedingly bad and the rain very heavy, without allowing them the least covering for their heads or any part of their body, or anything to raise them from the wet ground; in which condition they were continued for many hours, until the said Richard Barwell thought proper to remove them into a far worse state, if possible, as if studying to exercise the most cruel acts of barbarity on them, &c.; and that during their imprisonment they were frequently carried to and tortured in the stocks in the middle of the day, when the scorching heat of the sun was insupportable, notwithstanding which they were denied the least covering." These men assert that they had served the Company without blame for thirty years, — a period commencing long before the power of the Company in India.

It was no slight aggravation of this severity, that the objects were not young, nor of the lowest of the people, who might, by the vigor of their constitutions, or by the habits of hardship, be enabled to bear up against treatment so full of rigor. They were aged persons; they were men of a reputable profession.

The account given by these merchants of their first journey to Calcutta, in July, 1774, is circumstantial and remarkable. They say, "that, on their arrival, *to their astonishment, they soon learned that the Governor, who had formerly been violently enraged against the said Richard Barwell for different improprieties in his conduct, was now reconciled to him; and that ever*

since there was a certainty of his Majesty's appointments taking place in India, from being the most inveterate enemies they were now become the most intimate friends; and that this account soon taught them to believe they were not any nearer justice from their journey to Calcutta than they had been before at Dacca."

When this bill of complaint was, in 1776, laid before the Council, to be transmitted to the Court of Directors, Mr. Barwell complained of the introduction of such a paper, and asserted, *that he had answered to every particular of it on oath about eighteen months, and that during this long period no attempt had been made to controvert, refute, or even to reply to it.*

He did not, however, think it proper to enter his answer on the records along with the bill of whose introduction he complained.

On the declarations made by Mr. Barwell in his minute (September, 1776) your Committee observe, that, considering him only as an individual under prosecution in a court of justice, it might be sufficient for him to exhibit his defence in the court where he was accused; but that, as a member of government, specifically charged before that very government with abusing the powers of his office in a very extraordinary manner, and for purposes (as they allege) highly corrupt and criminal, it appears to your Committee hardly sufficient to say that he had answered elsewhere. The matter was to go before the Court of Directors, to whom the question of his conduct in that situation, a situation of the highest power and trust, was as much at least a question of state as a matter of redress to be solely left to the discretion, capacity, or perseverance of indi-

viduals. Mr. Barwell might possibly be generous enough to take no advantage of his eminent situation; but these unfortunate people would rather look to his power than his disposition. In general, a man so circumstanced and so charged (though we do not know this to be the case with Mr. Barwell) might easily contrive by legal advantages to escape. The plaintiffs being at a great distance from the seat of government, and possibly affected by fear or fatigue, or seeing the impossibility of sustaining with the ruins of fortunes never perhaps very opulent a suit against wealth, power, and influence, a compromise might even take place, in which circumstances might make the complainants gladly acquiesce. But the public injury is not in the least repaired by the acquiescence of individuals, as it touched the honor of the very highest parts of government. In the opinion of your Committee some means ought to have been taken to bring the bill to a discussion on the merits; or supposing that such decree could not be obtained by reason of any failure of proceeding on the part of the plaintiffs, that some process official or juridical ought to have been instituted against them which might prove them guilty of slander and defamation in as authentic a manner as they had made their charge, before the Council as well as the Court.

By the determination of Mr. Hurst, and the resolutions of the Board of Trade, it is much to be apprehended that the native mercantile interest must be exceedingly reduced. The above-mentioned resolutions of the Board of Trade, if executed in their rigor, must almost inevitably accomplish its ruin. The subsequent transactions are covered with an obscurity which your Committee have not been able

to dispel. All which they can collect, but that by no means distinctly, is, that, as those who trade for the Company in the articles of investment may also trade for themselves in the same articles, the old opportunities of confounding the capacities must remain, and all the oppressions by which this confusion has been attended. The Company's investments, as the General Letter from Bengal of the 20th of November, 1775, par. 28, states the matter, "are never at a stand; advances are made and goods are received all the year round." Balances, the grand instrument of oppression, naturally accumulate on poor manufacturers who are intrusted with money. Where there is not a vigorous rivalship, not only tolerated, but encouraged, it is impossible ever to redeem the manufacturers from the servitude induced by those unpaid balances.

No such rivalship does exist: the policy practised and avowed is directly against it. The reason assigned in the Board of Trade's letter of the 28th of November, 1778, for its making their advances early in the season is, to prevent the foreign merchants and private traders *interfering* with the purchase of their (the Company's) assortments. "They also refer to the means taken to prevent this interference in their letter of 26th January, 1779." It is impossible that the small part of the trade should not fall into the hands of those who, with the name and authority of the governing persons, have such extensive contracts in their hands. It appears in evidence that natives can hardly trade to the best advantage, (your Committee doubt whether they can trade to any advantage at all,) if not joined with or countenanced by British subjects. The Directors were in 1775 so

strongly impressed with this notion, and conceived the native merchants to have been even then reduced to so low a state, that, notwithstanding the Company's earnest desire of giving them a preference, they "doubt whether there are at this time in Bengal native merchants possessed of property adequate to such undertaking, or of credit and responsibility sufficient to make it safe and prudent to trust them with such sums as might be necessary to enable them to fulfil their engagements with the Company."

The effect which so long continued a monopoly, followed by a preëmption, and then by partial preferences supported by power, must necessarily have in weakening the mercantile capital, and disabling the merchants from all undertakings of magnitude, is but too visible. However, a witness of understanding and credit does not believe the capitals of the natives to be yet so reduced as to disable them from partaking in the trade, if they were otherwise able to put themselves on an equal footing with Europeans.

The difficulties at the outset will, however, be considerable. For the long continuance of abuse has in some measure conformed the whole trade of the country to its false principle. To make a sudden change, therefore, might destroy the few advantages which attend any trade, without securing those which must flow from one established upon sound mercantile principles, whenever such a trade can be established. The fact is, that the forcible direction which the trade of India has had towards Europe, to the neglect, or rather to the total abandoning, of the Asiatic, has of itself tended to carry even the internal business from the native merchant. The revival of trade in the native hands is of absolute necessity; but your Com-

mittee is of opinion that it will rather be the effect of a regular progressive course of endeavors for that purpose than of any one regulation, however wisely conceived.

After this examination into the condition of the trade and traders in the principal articles provided for the investment to Europe, your Committee proceeded to take into consideration those articles the produce of which, after sale in Bengal, is to form a part of the fund for the purchase of other articles of investment, or to make a part of it in kind. These are, 1st, Opium, — 2ndly, Saltpetre, — and, 3rdly, Salt. These are all monopolized.

OPIUM.

The first of the internal authorized monopolies is that of opium. This drug, extracted from a species of the poppy, is of extensive consumption in most of the Eastern markets. The best is produced in the province of Bahar: in Bengal it is of an inferior sort, though of late it has been improved. This monopoly is to be traced to the very origin of our influence in Bengal. It is stated to have begun at Patna so early as the year 1761, but it received no considerable degree of strength or consistence until the year 1765, when the acquisition of the Duanné opened a wide field for all projects of this nature. It was then adopted and owned as a resource for persons in office, — was managed chiefly by the civil servants of the Patna factory, and for their own benefit. The policy was justified on the usual principles on which monopolies are supported, and on some peculiar to the commodity, to the nature of the trade, and to the

state of the country: the security against adulteration; the prevention of the excessive home consumption of a pernicious drug; the stopping an excessive competition, which by an over-proportioned supply would at length destroy the market abroad; the inability of the cultivator to proceed in an expensive and precarious culture without a large advance of capital; and, lastly, the incapacity of private merchants to supply that capital on the feeble security of wretched farmers.

These were the principal topics on which the monopoly was supported. The last topic leads to a serious consideration on the state of the country; for, in pushing it, the gentlemen argued, that, in case such private merchants should advance the necessary capital, the lower cultivators "*would get money in abundance.*" Admitting this fact, it seems to be a part of the policy of this monopoly to prevent the cultivator from obtaining the natural fruits of his labor. Dealing with a private merchant, he could not get *money in abundance*, unless his commodity could produce an *abundant* profit. Further reasons, relative to the peace and good order of the province, were assigned for thus preventing the course of trade from the equitable distribution of the advantages of the produce, in which the first, the poorest, and the most laborious producer ought to have his first share. The cultivators, they add, would squander part of the money, and not be able to complete their engagements to the full; lawsuits, and even battles, would ensue between the factors, contending for a deficient produce; and the farmers would discourage the culture of an object which brought so much disturbance into their districts. This competition, the operation

of which they endeavor to prevent, is the natural corrective of the abuse, and the best remedy which could be applied to the disorder, even supposing its probable existence.

Upon whatever reasons or pretences the monopoly of opium was supported, the real motive appears to be the profit of those who were in hopes to be concerned in it. As these profits promised to be very considerable, at length it engaged the attention of the Company; and after many discussions, and various plans of application, it was at length taken for their benefit, and the produce of the sale ordered to be employed in the purchase of goods for their investment.

In the year 1773 it had been taken out of the hands of the Council of Patna, and leased to two of the natives, — but for a year only. The contractors were to supply a certain quantity of opium at a given price. Half the value was to be paid to those contractors in advance, and the other half on the delivery.

The proceedings on this contract demonstrated the futility of all the principles on which the monopoly was founded. The Council, as a part of their plan, were obliged, by heavy duties, and by a limitation of the right of emption of foreign opium to the con tractors for the home produce, to check the influx of that commodity from the territories of the Nabob of Oude and the Rajah of Benares. In these countries no monopoly existed; and yet there the commodity was of such a quality and so abundant as to bear the duty, and even with the duty in some degree to rival the monopolist even in his own market. There was no complaint in those countries of

want of advances to cultivators, or of lawsuits and tumults among the factors; nor was there any appearance of the multitude of other evils which had been so much dreaded from the vivacity of competition.

On the other hand, several of the precautions inserted in this contract, and repeated in all the subsequent, strongly indicated the evils against which it is extremely difficult, if not impossible, to guard a monopoly of this nature and in that country. For in the first contract entered into with the two natives it was strictly forbidden to compel the tenants to the cultivation of this drug. Indeed, very shocking rumors had gone abroad, and they were aggravated by an opinion universally prevalent, that, even in the season immediately following that dreadful famine which swept off one third of the inhabitants of Bengal, several of the poorer farmers were compelled to plough up the fields they had sown with grain in order to plant them with poppies for the benefit of the engrossers of opium. This opinion grew into a strong presumption, when it was seen that in the next year the produce of opium (contrary to what might be naturally expected in a year following such a dearth) was nearly doubled. It is true, that, when the quantity of land necessary for the production of the largest quantity of opium is considered, it is not just to attribute that famine to these practices, nor to any that were or could be used; yet, where such practices did prevail, they must have been very oppressive to individuals, extremely insulting to the feelings of the people, and must tend to bring great and deserved discredit on the British government. The English are a people

who appear in India as a conquering nation; all dealing with them is therefore, more or less, a dealing with power. It is such when they trade on a private account; and it is much more so in any authorized monopoly, where the hand of government, which ought never to appear but to protect, is felt as the instrument in every act of oppression. Abuses must exist in a trade and a revenue so constituted, and there is no effectual cure for them but to entirely cut off their cause.

Things continued in this train, until the great revolution in the Company's government was wrought by the Regulating Act of the thirteenth of the king. In 1775 the new Council-General appointed by the act took this troublesome business again into consideration. General Clavering, Colonel Monson, and Mr. Francis expressed such strong doubts of the propriety of this and of all other monopolies, that the Directors, in their letter of the year following, left the Council at liberty to throw the trade open, under a duty, if they should find it practicable. But General Clavering, who most severely censured monopoly in general, thought that this monopoly ought to be retained, — but for a reason which shows his opinion of the wretched state of the country: for he supposed it impossible, with the power and influence which must attend British subjects in all their transactions, that monopoly could be avoided; and he preferred an avowed monopoly, which brought benefit to government, to a virtual engrossing, attended with profit only to individuals. But in this opinion he did not seem to be joined by Mr. Francis, who thought the suppression of this and of all monopolies to be practicable, and strongly recommended

their abolition in a plan sent to the Court of Directors the year following.*

The Council, however, submitting to the opinion of this necessity, endeavored to render that dubious engagement as beneficial as possible to the Company. They began by putting up the contract to the highest bidder. The proposals were to be sealed. When the seals came to be opened, a very extraordinary scene appeared. Every step in this business develops more and more the effect of this junction of public monopoly and private influence. Four English and eight natives were candidates for the contract; three of the English far overbid the eight natives. They who consider that the natives, from their superior dexterity, from their knowledge of the country and of business, and from their extreme industry, vigilance, and parsimony, are generally an over-match for Europeans, and indeed are, and must ultimately be, employed by them in all transactions whatsoever, will find it very extraordinary that they did not by the best offers secure this dealing to themselves. It can be attributed to this cause, and this only, — that they were conscious, that, without power and influence to subdue the cultivators of the land to their own purposes, they never could afford to engage on the lowest possible terms. Those whose power entered into the calculation of their profits could offer, as they did offer, terms without comparison better; and therefore one of the English bidders, without partiality, secured the preference.

The contract to this first bidder, Mr. Griffiths, was prolonged from year to year; and as during that

* Vide Mr. Francis's plan in Appendix, No. 14, to the Select Committee's Sixth Report.

time frequent complaints were made by him to the Council Board, on the principle that the years answered very differently, and that the business of one year ran into the other, reasons or excuses were furnished for giving the next contract to Mr. Mackenzie for three years. This third contract was not put up to auction, as the second had been, and as this ought to have been. The terms were, indeed, something better for the Company; and the engagement was subject to qualifications, which, though they did not remove the objection to the breach of the Company's orders, prevented the hands of the Directors from being tied up. A proviso was inserted in the contract, that it should not be anyways binding, if the Company by orders from home should alter the existing practice with regard to such dealing.

Whilst these things were going on, the evils which this monopoly was in show and pretence formed to prevent still existed, and those which were naturally to be expected from a monopoly existed too. Complaints were made of the bad quality of the opium; trials were made, and on those trials the opium was found faulty. An office of inspection at Calcutta, to ascertain its goodness, was established, and directions given to the Provincial Councils at the places of growth to certify the quantity and quality of the commodity transmitted to the Presidency.

In 1776, notwithstanding an engagement in the contract strictly prohibiting all compulsory culture of the poppy, information was given to a member of the Council-General, that fields green with rice had been forcibly ploughed up to make way for that plant,—and that this was done in the presence of several English gentlemen, who beheld the spectacle with a just

and natural indignation. The board, struck with this representation, ordered the Council of Patna to make an inquiry into the fact; but your Committee can find no return whatsoever to this order. The complaints were not solely on the part of the cultivators against the contractor. The contractor for opium made loud complaints against the inferior collectors of the landed revenue, stating their undue and vexatious exactions from the cultivators of opium, — their throwing these unfortunate people into prison upon frivolous pretences, by which the tenants were ruined, and the contractor's advances lost. He stated, that, if the contractor should interfere in favor of the cultivator, then a deficiency would be caused to appear in the landed revenues, and that deficiency would be charged on his interposition; he desired, therefore, that the cultivators of opium should be taken out of the general system of the landed revenue, and put under "his *protection*." Here the effect naturally to be expected from the clashing of inconsistent revenues appeared in its full light, as well as the state of the unfortunate peasants of Bengal between such rival protectors, where the ploughman, flying from the tax-gatherer, is obliged to take refuge under the wings of the monopolist. No dispute arises amongst the English subjects which does not divulge the misery of the natives; when the former are in harmony, all is well with the latter.

This monopoly continuing and gathering strength through a succession of contractors, and being probably a most lucrative dealing, it grew to be every day a greater object of competition. The Council of Patna endeavored to recover the contract, or at least the agency, by the most inviting terms; and in this

eager state of mutual complaint and competition between private men and public bodies things continued until the arrival in Bengal of Mr. Stephen Sulivan, son of Mr. Sulivan, Chairman of the East India Company, which soon put an end to all strife and emulation.

To form a clear judgment on the decisive step taken at this period, it is proper to keep in view the opinion of the Court of Directors concerning monopolies, against which they had uniformly declared in the most precise terms. They never submitted to them, but as to a present necessity; it was therefore not necessary for them to express any particular approbation of a clause in Mr. Mackenzie's contract which was made in favor of their own liberty. Every motive led them to preserve it. On the security of that clause they could alone have suffered to pass over in silence (for they never approved) the grant of the contract which contained it for three years. It must also be remembered that they had from the beginning positively directed that the contract should be put up to public auction; and this not having been done in Mr. Mackenzie's case, they severely reprimanded the Governor-General and Council in their letter of the 23rd December, 1778.

The Court of Directors were perfectly right in showing themselves tenacious of this regulation,— not so much to secure the best practicable revenue from their monopoly whilst it existed, but for a much more essential reason, that is, from the corrective which this method administered to that monopoly itself: it prevented the British contractor from becoming doubly terrible to the natives, when they

should see that his contract was in effect *a grant*, and therefore indicated particular favor and private influence with the ruling members of an absolute government.

On the expiration of Mr. Mackenzie's term, and but a few months after Mr. Sulivan's arrival, the Governor-General, as if the contract was a matter of patronage, and not of dealing, pitched upon Mr. Sulivan as the most proper person for the management of this critical concern. Mr. Sulivan, though a perfect stranger to Bengal, and to that sort and to all sorts of local commerce, made no difficulty of accepting it. The Governor-General was so fearful that his true motives in this business should be mistaken, or that the smallest suspicion should arise of his attending to the Company's orders, that, far from putting up the contract (which, on account of its known profits, had become the object of such pursuit) to *public auction*, he did not wait for receiving so much as a *private proposal* from Mr. Sulivan. The Secretary perceived that in the rough draught of the contract the old recital of a proposal to the board was inserted as a matter of course, but was contrary to the fact; he therefore remarked it to Mr. Hastings. Mr Hastings, with great indifference, ordered that recital to be *omitted;* and the omission, with the remark that led to it, has, with the same easy indifference, been sent over to his masters.

The Governor-General and Council declare themselves apprehensive that Mr. Sulivan might be a loser by his bargain, upon account of troubles which they supposed existing in the country which was the object of it. This was the more indulgent, because the contractor was tolerably secured against all losses. He

received a certain price for his commodity; but he was not obliged to pay any certain price to the cultivator, who, having no other market than his, must sell it to him at his own terms. He was to receive half the yearly payment by *advance*, and he was not obliged to advance to the cultivator more than what he thought expedient; but if this should not be enough, he might, if he pleased, draw the *whole* payment before the total delivery: such were the terms of the engagement with him. He is a contractor of a new species, who employs no capital whatsoever of his own, and has the market of compulsion at his entire command. But all these securities were not sufficient for the anxious attention of the Supreme Council to Mr. Sulivan's welfare: Mr. Hastings had before given him the contract without any proposal on his part; and to make their gift perfect, in a second instance they proceed a step beyond their former ill precedent, and they contract with Mr. Sulivan for *four* years.

Nothing appears to have been considered but the benefit of the contractor, and for this purpose the solicitude shown in all the provisions could not be exceeded. One of the first things that struck Mr. Hastings as a blemish on his gift was the largeness of the penalty which he had on former occasions settled as the sanction of the contract: this he now discovered to be so great as to be likely to frustrate its end by the impossibility of recovering so large a sum. How a large penalty can prevent the recovery of any, even the smallest part of it, is not quite apparent. In so vast a concern as that of opium, a fraud which at first view may not appear of much importance, and which may be very difficult in the discovery,

may easily counterbalance the reduced penalty in this contract, which was settled in favor of Mr. Sulivan at about 20,000*l.*

Monopolies were (as the House has observed) only tolerated evils, and at best upon trial; a clause, therefore, was inserted in the contracts to Mackenzie, annulling the obligation, if the Court of Directors should resolve to abolish the monopoly; but at the request of Mr. Sulivan the contract was without difficulty purged of this obnoxious clause. The term was made absolute, the monopoly rendered irrevocable, and the discretion of the Directors wholly excluded. Mr. Hastings declared the reserved condition to be no longer necessary, "because the Directors had approved the monopoly."

The Chiefs and Councils at the principal factories had been obliged to certify the quantity and quality of the opium before its transport to Calcutta; and their control over the contractor had been assigned as the reason for not leaving to those factories the management of this monopoly. Now things were changed. Orders were sent to discontinue this measure of invidious precaution, and the opium was sent to Calcutta without anything done to ascertain its quality or even its quantity.

An office of inspection had been also appointed to examine the quality of the opium on its delivery at the capital settlement. In order to ease Mr. Sulivan from this troublesome formality, Mr. Hastings abolished the office; so that Mr. Sulivan was then totally freed from all examination or control whatsoever, either first or last.

These extraordinary changes in favor of Mr. Sulivan were attended with losses to others, and seem to

have excited much discontent. This discontent it was necessary in some manner to appease. The vendue-master, who was deprived of his accustomed dues on the public sales of the opium by the private dealing, made a formal complaint to the board against this, as well as other proceedings relative to the same business. He attributed the private sale to "*reasons of state*"; and this strong reflection both on the Board of Trade and the Council Board was passed over without observation. He was quieted by appointing him to the duty of these very inspectors whose office had been just abolished as useless. The House will judge of the efficacy of the revival of this office by the motives to it, and by Mr. Hastings giving that to *one* as *a compensation* which had been executed by several as *a duty*. However, the orders for taking away the precautionary inspection at Patna still remained in force.

Some benefits, which had been given to former contractors at the discretion of the board, were no longer held under that loose indulgence, but were secured to Mr. Sulivan by his contract. Other indulgences, of a lesser nature, and to which no considerable objection could be made, were on the application of a Mr. Benn, calling himself his attorney, granted.

Your Committee, examining Mr. Higginson, late a member of the Board of Trade, on that subject, were informed, that this contract, very soon after the making, was generally understood at Calcutta to have been sold to this Mr. Benn, but he could not particularize the sum for which it had been assigned,—and that Mr. Benn had afterwards sold it to a Mr. Young. By this transaction it appears clearly that the contract was given to Mr. Sulivan for no other purpose than

to supply him with a sum of money; and the sale and re-sale seem strongly to indicate that the reduction of the penalty, and the other favorable conditions, were not granted for his ease in a business which he never was to execute, but to heighten the value of the object which he was to sell. Mr. Sulivan was at the time in Mr. Hastings's family, accompanied him in his progresses, and held the office of Judge-Advocate.

The monopoly given for these purposes thus permanently secured, all power of reformation cut off, and almost every precaution against fraud and oppression removed, the Supreme Council found, or pretended to find, that the commodity for which they had just made such a contract was not a salable article, — and in consequence of this opinion, or pretence, entered upon a daring speculation hitherto unthought of, that of sending the commodity on the Company's account to the market of Canton. The Council alleged, that, the Dutch being driven from Bengal, and the seas being infested with privateers, this commodity had none, or a very dull and depreciated demand.

Had this been true, Mr. Hastings's conduct could admit of no excuse. He ought not to burden a falling market by long and heavy engagements. He ought studiously to have kept in his power the means of proportioning the supply to the demand. But his arguments, and those of the Council on that occasion, do not deserve the smallest attention. Facts, to which there is no testimony but the assertion of those who produce them in apology for the ill consequences of their own irregular actions, cannot be admitted. Mr. Hastings and the Council had nothing at all to do with that business: the Court of Directors had wholly taken the management of opium out of his

and their hands, and by a solemn adjudication fixed it in the Board of Trade. But after it had continued there some years, Mr. Hastings, a little before his grant of the monopoly to Mr. Sulivan, thought proper to reverse the decree of his masters, and by his own authority to recall it to the Council. By this step he became responsible for all the consequences.

The Board of Trade appear, indeed, to merit reprehension for disposing of the opium by private contract, as by that means the unerring standard of the public market cannot be applied to it. But they justified themselves by their success; and one of their members informed your Committee that their last sale had been a good one: and though he apprehended a fall in the next, it was not such as in the opinion of your Committee could justify the Council-General in having recourse to untried and hazardous speculations of commerce. It appears that there must have been a market, and one sufficiently lively. They assign as a reason of this assigned [alleged?] dulness of demand, that the Dutch had been expelled from Bengal, and could not carry the usual quantity to Batavia. But the Danes were not expelled from Bengal, and Portuguese ships traded there: neither of them were interdicted at Batavia, and the trade to the eastern ports was free to them. The Danes actually applied for and obtained an increase of the quantity to which their purchases had been limited; and as they asked, so they received this indulgence as a great favor. It does not appear that they were not very ready to supply the place of the Dutch. On the other hand, there is no doubt that the Dutch would most gladly receive an article, convenient, if not necessary, to the circulation of their commerce, from the Danes, or under any

name; nor was it fit that the Company should use an extreme strictness in any inquiry concerning the necessary disposal of one of their own staple commodities.

The supply of the Canton treasury with funds for the provision of the next year's China investment was the ground of this plan. But the Council-General appear still to have the particular advantage of Mr. Sulivan in view, — and, not satisfied with breaking so many of the Company's orders for that purpose, to make the contract an object salable to the greatest advantage, were obliged to transfer their personal partiality from Mr. Sulivan to the contract itself, and to hand it over to the assignees through all their successions. When the opium was delivered, the duties and emoluments of the contractor ended; but (it appears from Mr. Williamson's letter, 18th October, 1781, and it is not denied by the Council-General) this new scheme *furnished them with a pretext of making him broker for the China investment, with the profit of a new commission*, — to what amount does not appear. But here their constant and vigilant observer, the vendue-master, met them again: — they seemed to live in no small terror of this gentleman. To satisfy him for the loss of his fee to which he was entitled upon the public sale, they gave *him* also a commission of one per cent on the investment. Thus was this object loaded with a double commission; and every act of partiality to one person produced a chargeable compensation to some other for the injustice that such partiality produced. Nor was this the whole. The discontent and envy excited by this act went infinitely further than to those immediately affected, and something

or other was to be found out to satisfy as many as possible.

As soon as it was discovered that the Council entertained a design of opening a trade on those principles, it immediately engaged the attention of such as had an interest in speculations of freight.

A memorial seems to have been drawn early, as it is dated on the 29th of March, though it was not the first publicly presented to the board. This memorial was presented on the 17th of September, 1781, by Mr. Wheler, conformably (as he says) to the desire of the Governor-General; and it contained a long and elaborate dissertation on the trade to China, tending to prove the advantage of extending the sale of English manufactures and other goods to the North of that country, beyond the usual emporium of European nations. This ample and not ill-reasoned theoretical performance (though not altogether new either in speculation or attempt) ended by a practical proposition, very short, indeed, of the ideas opened in the preliminary discourse, but better adapted to the immediate effect. It was, that the Company should undertake the sale of its own opium in China, and commit the management of the business to the memorialist, who offered to furnish them with a strong armed ship for that purpose. The offer was accepted, and the agreement made with him for the transport of two thousand chests.

A proposal by another person was made the July following the date of this project: it appears to have been early in the formal delivery at the board: this was for the export of one thousand four hundred and eighty chests. This, too, was accepted, but with new conditions and restrictions: for in so vast and so new

an undertaking great difficulties occurred. In the first place, all importation of that commodity is rigorously forbidden by the laws of China. The impropriety of a political trader, who is lord over a great empire, being concerned in a contraband trade upon his own account, did not seem in the least to affect them; but they were struck with the obvious danger of subjecting their goods to seizure by the vastness of the prohibited import. To secure the larger adventure, they require of the China factory that Colonel Watson's ship should enter the port of Canton as an *armed ship*, (they would not say a ship of war, though that must be meant,) that her cargo should not be reported; they also ordered that other measures should be adopted to secure this prohibited article from seizure. If the cargo should get in safe, another danger was in view, — the overloading the Chinese market by a supply beyond the demand; for it is obvious that contraband trade must exist by small quantities of goods poured in by intervals, and not by great importations at one time. To guard against this inconvenience, they divide their second, though the smaller adventure, into two parts; one of which was to go to the markets of the barbarous natives which inhabit the coast of Malacca, where the chances of its being disposed of by robbery or sale were at least equal. If the opium should be disposed of there, the produce was to be invested in merchandise salable in China, or in dollars, if to be had. The other part (about one half) was to go in kind directly to the port of Canton.

The dealing at this time seemed closed; but the gentlemen who chartered the ships, always recollecting something, applied anew to the board to be fur-

nished with cannon from the Company's ordnance. Some was delivered to them; but the Office of Ordnance (so heavily expensive to the Company) was not sufficient to spare a few iron guns for a merchant ship. Orders were given to cast a few cannon, and an application made to Madras, at a thousand miles' distance, for the rest. Madras answers, that they cannot exactly comply with the requisition; but still the board at Bengal *hopes* better things from them than they promise, and flatter themselves that with their assistance they shall properly arm a ship of thirty-two guns.

Whilst these dispositions were making, the first proposer, perceiving advantages from the circuitous voyage of the second which had escaped his observation, to make amends for his first omission, improved both on his own proposal and on that of the person who had improved on him. He therefore applied for leave to take two hundred and fifty chests on his own account, which he said could "be *readily disposed of* at the several places where it was necessary for the ship to touch for wood and water, or intelligence, during her intended voyage through *the Eastern Islands.*" As a corrective to this extraordinary request, he assured the board, that, if he should meet with any unexpected delay at these markets, he would send their cargo to its destination, having secured a *swift-sailing* sloop for the *protection* of his ship; and this sloop he proposed, in such a case, to leave behind. Such an extraordinary eagerness to deal in opium lets in another view of the merits of the alleged dulness of the market, on which this trade was undertaken for the Company's account.

The Council, who had with great condescension

and official facility consented to every demand hitherto made, were not reluctant with regard to this last. The quantity of opium required by the freighters, and the permission of a trading voyage, were granted without hesitation. The cargo having become far more valuable by this small infusion of private interest, the armament which was deemed sufficient to defend the Company's large share of the adventure was now discovered to be unequal to the protection of the whole. For the convoy of these two ships the Council hire and arm another. How they were armed, or whether in fact they were properly armed at all, does not appear. It is true that the Supreme Council proposed that these ships should also convey supplies to Madras; but this was a secondary consideration: their primary object was the adventure of opium. To this they were permanently attached, and were obliged to attend to its final destination.

The difficulty of disposing of the opium according to this project being thus got over, a material preliminary difficulty still stood in the way of the whole scheme. The contractor, or his assignees, were to be paid. The Company's treasure was wholly exhausted, and even its credit was exceedingly strained. The latter, however, was the better resource, and to this they resolved to apply. They therefore, at different times, opened two loans of one hundred thousand pounds each. The first was reserved for the Company's servants, civil and military, to be distributed in shares according to their rank; the other was more general. The terms of both loans were, that the risk of the voyage was to be on account of *the Company*. The payment was to be in bills (at a rate of exchange settled from the supercargoes at Canton) upon the

same Company. In whatever proportion the adventure should fail, either in the ships not safely arriving in China or otherwise, in that proportion the subscribers were to content themselves with the Company's bonds for their money, bearing eight per cent interest. A share in this subscription was thought exceeding desirable; for Mr. Hastings writes from Benares, where he was employed in the manner already reported and hereafter to be observed upon, requesting that the subscription should be left open to his officers who were employed in the military operations against Cheyt Sing; and accordingly three majors, seven captains, twenty-three lieutenants, the surgeon belonging to the detachment, and two civil servants of high rank who attended him, were admitted to subscribe.

Bills upon Europe without interest are always preferred to the Company's bonds, even at the high interest allowed in India. They are, indeed, so greedily sought there, and (because they tend to bring an immediate and visible distress in Leadenhall Street) so much dreaded here, that by an act of Parliament the Company's servants are restricted from drawing bills beyond a certain amount upon the Company in England. In Bengal they have been restrained to about one hundred and eighty thousand pounds annually. The legislature, influenced more strongly with the same apprehensions, has restrained the Directors, as the Directors have restrained their servants, and have gone so far as to call in the power of the Lords of the Treasury to authorize the acceptance of any bills beyond an amount prescribed in the act.

The false principles of this unmercantile transaction (to speak of it in the mildest terms) were too gross not to be visible to those who contrived it.

That the Company should be made to borrow such a sum as two hundred thousand pounds * at eight per cent, (or terms deemed by the Company to be worse,) in order first to buy a commodity represented by themselves as depreciated in its ordinary market, in order afterwards to carry one half of it through a circuitous trading voyage, depending for its ultimate success on the prudent and fortunate management of two or three sales, and purchases and re-sales of goods, and the chance of two or three markets, with all the risks of sea and enemy, was plainly no undertaking for such a body. The activity, private interest, and the sharp eye of personal superintendency may now and then succeed in such projects; but the remote inspection and unwieldy movements of great public bodies can find nothing but loss in them. Their gains, comparatively small, ought to be upon sure grounds; but here (as the Council states the matter) the private trader actually declines to deal, which is a proof more than necessary to demonstrate the extreme imprudence of such an undertaking on the Company's account. Still stronger and equally obvious objections lay to that member of the project which regards the introduction of a contraband commodity into China, sent at such a risk of seizure not only of the immediate object to be smuggled in, but of all the Company's property in Canton, and possibly at a hazard to the existence of the British factory at that port.

It is stated, indeed, that a monopolizing company in Canton, called the Cohong, had reduced commerce there to a deplorable state, and had rendered the

* The whole sum has not been actually raised; but the deficiency is not very considerable.

gains of private merchants, either in opium or anything else, so small and so precarious that they were no longer able by purchasing that article to furnish the Company with money for a China investment. For this purpose the person whose proposal is accepted declares his project to be to set up a monopoly on the part of the Company against the monopoly of the Chinese merchants: but as the Chinese monopoly is at home, and supported (as the minute referred to asserts) by the country magistrates, it is plain it is the Chinese company, not the English, which must prescribe the terms, — particularly in a commodity which, if withheld from them at their market price, they can, whenever they please, be certain of purchasing as a condemned contraband.

There are two further circumstances in this transaction which strongly mark its character. The first is, that this adventure to China was not recommended to them by the factory of Canton; it was dangerous to attempt it without their previous advice, and an assurance, grounded on the state of the market and the dispositions of the government, that the measure, in a commercial light, would be profitable, or at least safe. Neither was that factory applied to on the state of the bills which, upon their own account, they might be obliged to draw upon Europe, at a time when the Council of Bengal direct them to draw bills to so enormous an amount.

The second remarkable circumstance is, that the Board of Trade in Calcutta (the proper administrator of all that relates to the Company's investment) does not seem to have given its approbation to the project, or to have been at all consulted upon it. The sale of opium had been adjudged to the

Board of Trade for the express purpose of selling it in Bengal, not in China, — and of employing the produce of such sale in the manufactures of the country in which the original commodity was produced. On the whole, it appears a mere trading speculation of the Council, invading the department of others, without lights of its own, without authority or information from any other quarter. In a commercial view, it straitened the Company's investment to which it was destined; as a measure of finance, it is a contrivance by which a monopoly formed for the increase of revenue, instead of becoming one of its resources, involves the treasury, in the first instance, in a debt of two hundred thousand pounds.

If Mr. Hastings, on the expiration of Mr. Mackenzie's contract, the advantages of which to the Company had been long doubtful, had put himself in a situation to do his duty, some immediate loss to the revenue would have been the worst consequence of the alleged depreciation; probably it would not have been considerable. Mr. Mackenzie's contract, which at first was for three years, had been only renewed for a year. Had the same course been pursued with Mr. Sulivan, they would have had it in their power to adopt some plan which might have secured them from any loss at all. But they pursued another plan: they carefully put all remedy still longer out of their reach by giving their contract for four years. To cover all these irregularities, they interest the settlement in their favor by holding out to them the most tempting of all baits in a chance of bills upon Europe.

In this manner the servants abroad have conducted themselves with regard to Mr. Sulivan's con-

tract for opium, and the disposal of the commodity. In England the Court of Directors took it into consideration. First, as to the contract, in a letter dated 12th July, 1782, they say, that, "having condemned the contract entered into with Mr. Mackenzie for the provision of opium, they cannot but be *surprised* at your having concluded a new contract for *four* years relative to that article with Mr. Stephen Sulivan, without leaving the decision of it to the Court of Directors."

The sentiments of the Directors are proper, and worthy of persons in public trust. Their *surprise*, indeed, at the disobedience to their orders is not perfectly natural in those who for many years have scarcely been obeyed in a single instance. They probably asserted their authority at this time with as much vigor as their condition admitted.

They proceed: "We do not mean," say they, "to convey any censure on Mr. Sulivan respecting the transaction; but we cannot withhold our displeasure from the Governor-General and Council at such an instance of *contempt* of our authority." They then proceed justly to censure the removal of the inspection, and some other particulars of this gross proceeding. As to the criminality of the parties, it is undoubtedly true that a breach of duty in servants is highly aggravated by the rank, station, and trust of the offending party; but no party, in such conspiracy to break orders, appear to us wholly free from fault.

The Directors did their duty in reprobating this contract; but it is the opinion of your Committee that further steps ought to be taken to inquire into the legal validity of a transaction which manifestly attempts to prevent the Court of Directors from ap-

plying any remedy to a grievance which has been for years the constant subject of complaints.

Both Mr. Sulivan and Mr. Hastings are the Company's servants, bound by their covenants and their oaths to promote the interest of their masters, and both equally bound to be obedient to their orders. If the Governor-General had contracted with a stranger, not apprised of the Company's orders, and not bound by any previous engagement, the contract might have been good; but whether a contract made between two servants, contrary to the orders of their common master, and to the prejudice of his known interest, be a breach of trust on both sides, and whether the contract can in equity have force to bind the Company, whenever they shall be inclined to free themselves and the country they govern from this mischievous monopoly, your Committee think a subject worthy of further inquiry.

With regard to the disposal of the opium, the Directors very properly condemn the direct contraband, but they approve the trading voyage. The Directors have observed nothing concerning the loans: they probably reserved that matter for future consideration.

In no affair has the connection between servants abroad and persons in power among the proprietors of the India Company been more discernible than in this. But if such confederacies, cemented by such means, are suffered to pass without due animadversion, the authority of Parliament must become as inefficacious as all other authorities have proved to restrain the growth of disorders either in India or in Europe.

SALT.

THE reports made by the two committees of the House which sat in the years 1772 and 1773 of the state and conduct of the inland trade of Bengal up to that period have assisted the inquiries of your Committee with respect to the third and last article of monopoly, viz., that of salt, and made it unnecessary for them to enter into so minute a detail on that subject as they have done on some others.

Your Committee find that the late Lord Clive constantly asserted that the salt trade in Bengal had been a monopoly time immemorial, — that it ever was and ever must be a monopoly, — and that Coja Wazid, and other merchants long before him, had given to the Nabob and his ministers two hundred thousand pounds per annum for the exclusive privilege. The Directors, in their letter of the 24th December, 1776, paragraph 76, say, "that it has ever been in a great measure an exclusive trade."

The Secret Committee report,* that under the government of the Nabobs the duty on salt made in Bengal was two and an half per cent paid by Mussulmen, and five per cent paid by Gentoos. On the accession of Mir Cassim, in 1760, the claim of the Company's servants to trade in salt duty-free was first avowed. Mr. Vansittart made an agreement with him by which the duties should be fixed at nine per cent. The Council annulled the agreement, and reduced the duty to two and an half per cent. On this Mir Cassim ordered that no customs or duties whatsoever should be collected for the future. But a majority of the Council (22nd March, 1763) resolved, that the

* Fourth Report, page 106.

making the exemption general was a breach of the Company's privileges, and that the Nabob should be positively required to recall it, and collect duties as before from the country merchants, and all other persons who had not the protection of the Company's *dustuck*. The Directors, as the evident reason of the thing and as their duty required, disapproved highly of these transactions, and ordered (8th February, 1764) *a final and effectual stop to be put to the inland trade in salt*, and several other articles of commerce: But other politics and other interests prevailed, so that in the May following a General Court resolved, that it should be recommended to the Court of Directors to reconsider the preceding orders; in consequence of which the Directors ordered the Governor and Council to form a plan, in concert with the Nabob, for regulating the inland trade.

On these last orders Lord Clive's plan was formed, in 1765, for engrossing the sole purchase of salt, and dividing the profits among the Company's senior servants. The Directors, who had hitherto reluctantly given way to a monopoly under any ideas or for any purposes, disapproved of this plan, and on the 17th May, 1766, ordered it to be abolished; but they substituted no other in its room.* In this manner things continued until November, 1767, when the Directors repeated their orders for excluding all persons whatever, excepting the natives only, from being concerned in the inland trade in salt; and they declared that (vide par. 90) "*such trade is hereby abolished and put a final end to.*" In the same letter (par. 92) they ordered that the salt trade should be laid

* Par. 36. Vide Fourth Report from Com. of Secrecy in 1773, Appendix, No. 45.

open to the natives in general, subject to such a duty as might produce one hundred and twenty thousand pounds a year. This policy was adopted by the legislature. In the act of 1773 it was expressly provided, that it should not be lawful for any of his Majesty's subjects to engage, intermeddle, or be any way concerned, directly or indirectly, in the inland trade in salt, except on the India Company's account.

Under the positive orders of the Company, the salt trade appears to have continued open from 1768 to 1772. The act, indeed, contained an exception in favor of the Company, and left them a liberty of dealing in salt upon their own account. But still this policy remained unchanged, and their orders unrevoked. But in the year 1772, without any instruction from the Court of Directors indicating a change of opinion or system, the whole produce was again monopolized, professedly for the use of the Company, by Mr. Hastings. Speaking of this plan, he says (letter to the Directors, 22d February, 1775): "No new hardship has been imposed upon the salt manufacturers by taking the management of that article into the hands of government; the only difference is, that the profit which was before reaped by English gentlemen and by banians is now acquired by the Company." In May, 1766, the Directors had condemned the monopoly *on any conditions whatsoever*. "At that time they thought it neither consistent with their honor nor their dignity to promote such an exclusive trade."* "They considered it, too, as disgraceful, *and below the dignity of their present situation*, to allow

* Vide Sel. Letter to Bengal, 17 May, 1766, Par. 36, in Fourth Report from Com. of Secrecy, in 1773, Appendix, No. 45.

of such a monopoly, and that, were they to allow it under any restrictions, they should consider themselves as assenting and subscribing to all the mischiefs which Bengal had presented to them for four years past."*

Notwithstanding this solemn declaration, in their letter of 24th December, 1776, they approve the plan of Mr. Hastings, and say, "that the monopoly, *on its present footing*, can be no considerable grievance to the country," &c.

This, however, was a rigorous monopoly. The account given of it by General Clavering, Colonel Monson, and Mr. Francis, in their minute of 11th January, 1775, in which the situation of the *molungees*, or persons employed in the salt manufacture, is particularly described, is stated at length in the Appendix. Mr. Hastings himself says, "The power of obliging molungees to work has been customary from time immemorial."

Nothing but great and clear advantage to government could account for, and nothing at all perhaps could justify, the revival of a monopoly thus circumstanced. The advantage proposed by its revival was the transferring the profit, which was before reaped by English gentlemen and banians, to the Company. The profits of the former were not problematical. It was to be seen what the effect would be of a scheme to transfer them to the latter, even under the management of the projector himself. In the Revenue Consultations of September, 1776, Mr. Hastings said, "Many causes have since combined to reduce this article of revenue *almost to nothing*. The plan which I am *now* inclined to recommend for the future

* Ibid. Par. 37.

management of the salt revenue differs widely from that which I adopted under different circumstances."

It appears that the ill success of his former scheme did not deter him from recommending another. Accordingly, in July, 1777, Mr. Hastings proposed, and it was resolved, that the salt mahls should be let, *with* the lands, to the farmers and zemindars for a ready-money rent, including duties, — the salt to be left to their disposal. After some trial of this method, Mr. Hastings thought fit to abandon it. In September, 1780, he changed his plan a third time, and proposed the institution of a *salt office;* the salt was to be again engrossed for the benefit of the Company, and the management conducted by a number of salt agents.

From the preceding facts it appears that in this branch of the Company's government little regard has been paid to the ease and welfare of the natives, and that the Directors have nowhere shown greater inconsistency than in their orders on this subject. Yet salt, considering it as a necessary of life, was by no means a safe and proper subject for so many experiments and innovations. For ten years together the Directors reprobated the idea of suffering this necessary of life to be engrossed on *any condition whatsoever*, and strictly prohibited all Europeans from trading in it. Yet, as soon as they were made to expect from Mr. Hastings that the profits of the monopoly should be converted to their own use, they immediately declared that it "could be no considerable grievance to the country," and authorized its continuance, until he himself, finding it produced little or nothing, renounced it of his own accord. Your Committee are apprehensive that this will at all

times, whatever flattering appearance it may wear for a time, be the fate of any attempt to monopolize the salt for the profit of government. In the first instance it will raise the price on the consumer beyond its just level; but that evil will soon be corrected by means ruinous to the Company as monopolists, viz., by the embezzlement of their own salt, and by the importation of foreign salt, neither of which the government of Bengal may have power for any long time to prevent. In the end government will probably be undersold and beaten down to a losing price. Or, if they should attempt to force all the advantages from this article of which by every exertion it may be made capable, it may distress some other part of their possessions in India, and destroy, or at least impair, the natural intercourse between them. Ultimately it may hurt Bengal itself, and the produce of its landed revenue, by destroying the vent of that grain which it would otherwise barter for salt.

Your Committee think it hardly necessary to observe, that the many changes of plan which have taken place in the management of the salt trade are far from honorable to the Company's government, — and that, even if the monopoly of this article were a profitable concern, it should not be permitted. Exclusive of the general effect of this and of all monopolies, the oppressions which the manufacturers of salt, called *molungees*, still suffer under it, though perhaps alleviated in some particulars, deserve particular attention. There is evidence enough on the Company's records to satisfy your Committee that these people have been treated with great rigor, and not only defrauded of the due payment of their labor, but deliv-

ered over, like cattle, in succession, to different masters, who, under pretence of buying up the balances due to their preceding employers, find means of keeping them in perpetual slavery. For evils of this nature there can be no perfect remedy as long as the monopoly continues. They are in the nature of the thing, and cannot be cured, or effectually counteracted, even by a just and vigilant administration on the spot. Many objections occur to the farming of any branch of the public revenue in Bengal, particularly against farming the salt lands. But the dilemma to which government by this system is constantly reduced, of authorizing great injustice or suffering great loss, is alone sufficient to condemn it. Either government is expected to support the farmer or contractor in all his pretensions by an exertion of power, which tends of necessity to the ruin of the parties subjected to the farmer's contract, and to the suppression of free trade, — or, if such assistance be refused him, he complains that he is not supported, that private persons interfere with his contract, that the manufacturers desert their labor, and that proportionate deductions must be allowed him.

After the result of their examination into the general nature and effect of this monopoly, it remains only for your Committee to inquire whether there was any valid foundation for that declaration of Mr. Hastings which we conclude must have principally recommended the monopoly of salt to the favor of the Court of Directors, viz., "that the profit, which was before reaped by English gentlemen, and by banians, was now acquired by the Company." On the contrary, it was proved and acknowledged before the Governor-General and Council, when they inquired into

this matter, in March, 1775, that the Chiefs and Councils of those districts in which there were salt mahls reserved particular salt farms for their *own* use, and divided the profits, in certain stated proportions, among themselves and their assistants. But, unless a detail of these transactions, and of the persons concerned in them, should be called for by the House, it is our wish to avoid entering into it. On one example only your Committee think it just and proper to insist, stating first to the House on what principles they have made this selection.

In pursuing their inquiries, your Committee have endeavored chiefly to keep in view the conduct of persons in the highest station, particularly of those in whom the legislature, as well as the Company, have placed a special confidence, — judging that the conduct of such persons is not only most important in itself, but most likely to influence the subordinate ranks of the service. Your Committee have also examined the proceedings of the Court of Directors on all those instances of the behavior of their servants that seemed to deserve, and did sometimes attract, their immediate attention. They constantly find that the negligence of the Court of Directors has kept pace with, and must naturally have quickened, the growth of the practices which they have condemned. Breach of duty abroad will always go hand in hand with neglect of it at home. In general, the Court of Directors, though sufficiently severe in censuring offences, and sometimes in punishing those whom they have regarded as offenders of a lower rank, appear to have suffered the most conspicuous and therefore the most dangerous examples of disobedience and misconduct in the first department of their service to pass with a

feeble and ineffectual condemnation. In those cases which they have deemed too apparent and too strong to be disregarded even with safety to themselves, and against which their heaviest displeasure has been declared, it appears to your Committee that their interference, such as it was, had a mischievous rather than a useful tendency. A total neglect of duty in this respect, however culpable, is not to be compared, either in its nature or in its consequences, with the destructive principles on which they have acted. It has been their practice, if not system, to inquire, to censure, and not to punish. As long as the misconduct of persons in power in Bengal was encouraged by nothing but the hopes of concealment, it may be presumed that they felt some restraint upon their actions, and that they stood in some awe of the power placed over them; whereas it is to be apprehended that the late conduct of the Court of Directors tells them, in effect, that they have nothing to fear from the certainty of a discovery.

On the same principle on which your Committee have generally limited their researches to the persons placed by Parliament or raised or put in nomination by the Court of Directors to the highest station in Bengal, it was also their original wish to limit those inquiries to the period at which Parliament interposed its authority between the Company and their servants, and gave a new constitution to the Presidency of Fort William. If the Company's servants had taken a new date from that period, and if from thenceforward their conduct had corresponded with the views of the legislature, it is probable that a review of the transactions of remoter periods would not have been deemed necessary, and that the remembrance of them

would have been gradually effaced and finally buried in oblivion. But the reports which your Committee have already made have shown the House that from the year 1772, when those proceedings commenced in Parliament on which the act of the following year was founded, abuses of every kind have prevailed and multiplied in Bengal to a degree unknown in former times, and are perfectly sufficient to account for the present distress of the Company's affairs both at home and abroad. The affair which your Committee now lays before the House occupies too large a space in the Company's records, and is of too much importance in every point of view, to be passed over.

Your Committee find that in March, 1775, a petition was presented to the Governor-General and Council by a person called Coja Kaworke, an Armenian merchant, resident at Dacca, (of which division Mr. Richard Barwell had lately been Chief,) setting forth in substance, that in November, 1772, the petitioner had farmed a certain salt district, called Savagepoor, and had entered into a contract with the Committee of Circuit for providing and delivering to the India Company the salt produced in that district; that in 1773 he farmed another, called Selimabad, on similar conditions. He alleges, that in February, 1774, when Mr. Barwell arrived at Dacca, he charged the petitioner with 1,25,500 rupees, (equal to 13,000*l.*,) as a contribution, and, in order to levy it, did the same year deduct 20,799 rupees from the amount of the *advance money* which was ordered to be paid to the petitioner, on account of the India Company, for the provision of salt in the two farms, and, after doing so, compelled the petitioner to execute and

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give him four different bonds for 77,627 rupees, in the name of one Porran Paul, for the remainder of such contribution, or unjust profit.

Such were the allegations of the petition relative to the unjust exaction. The harsh means of compelling the payment make another and very material part; for the petitioner asserts, that, in order to recover the amount of these bonds, guards were placed over him, and that Mr. Barwell by ill usage and oppressions recovered from him at different times 48,656 Arcot rupees, besides 283 rupees extorted by the guard, — that, after this payment, two of the bonds, containing 36,313 rupees, were restored to him, and he was again committed to the charge of four *peons*, or guards, to pay the amount of the remaining two bonds. The petition further charges, that the said gentleman and his people had also extorted from the petitioner other sums of money, which, taken together, amounted to 25,000 rupees.

But the heaviest grievance alleged by him is, that, after the sums of money had been extorted on account of the farms, the faith usual in such transactions is allowed not to have been kept; but, after the petitioner had been obliged to buy or compound for the farms, that they were taken from him, — "that the said Richard Barwell, Esquire, about his departure from Dacca, in October, 1774, for self-interest wrested from the petitioner the aforesaid two mahls, (or districts,) and farmed them to another person, notwithstanding he had extorted from the petitioner a considerable sum of money on account of those purgunnahs."

To this petition your Committee find two accounts annexed, in which the sums said to be paid to or

taken by Mr. Barwell, and the respective dates of the several payments, are specified; and they find that the account of particulars agrees with and makes up the gross sum charged in the petition.

Mr. Barwell's immediate answer to the preceding charge is contained in two letters to the board, dated 23rd and 24th of March, 1775. The answer is remarkable. He asserts, that "the whole of Kaworke's relation is a gross misrepresentation of facts; — that the simple fact was, that in January, 1774, the salt mahls of Savagepoor and Selimabad became *his*, and were re-let by *him* to this man, in the names of Bussunt Roy and Kissen Deb, on condition that he should account with him [*Mr. Barwell*] for profits to a certain sum, and that he [*Mr. Barwell*] engaged for Savagepoor *in the persuasion of its being a very profitable farm*"; and he concludes with saying, "If I am mistaken in my reasoning, and *the wish to add to my fortune has warped my judgment*, in a transaction that may appear to the board in a light different to what I view it in, it is past, — I cannot recall it, — and I rather choose to admit an error than deny a fact." In his second letter he says, "To the Honorable Court of Directors I will submit all my rights in the salt contracts I engaged in; and if in their opinion those rights vest in the Company, I will account to them for the last shilling I have received from such contracts, my intentions being upright; and as I never did wish to profit myself to the prejudice of my employers, by their judgment I will be implicitly directed."

The majority of the board desired that Kaworke's petition should be transmitted to England by the ship then under dispatch; and it was accordingly sent

with Mr. Barwell's replies. Mr. Barwell moved that a committee should be appointed to take into consideration what he had to offer on the subject of Kaworke's petition; and a committee was accordingly appointed, consisting of all the members of the Council except the Governor-General.

The committee opened their proceedings with reading a second petition from Kaworke, containing corrected accounts of cash said to be forcibly taken, and of the extraordinary and unwarrantable profits taken or received from him by Richard Barwell, Esquire; all which are inserted at large in the Appendix. By these accounts Mr. Barwell is charged with a balance or debt of 22,421 rupees to Kaworke. The principal difference between him and Mr. Barwell arises from a different mode of stating the accounts acknowledged to exist between them. In the account current signed by Mr. Barwell, he gives Kaworke credit for the receipt of 98,426 rupees, and charges him with a balance of 27,073 rupees.

The facts stated or admitted by Mr. Barwell are as follow: that the salt farms of Selimabad and Savagepoor were *his*, and re-let by him to the two Armenian merchants, Michael and Kaworke, on condition of their paying him 1,25,000 rupees, exclusive of their engagements to the Company; that the engagement was written in the name of Bussunt Roy and Kissen Deb Sing; and Mr Barwell says, that the reason of its being "in these people's names was because *it was not thought consistent with the public regulations that the names of any Europeans should appear.*"

It is remarkable that this policy was carried to still greater length. Means were used to remove such

an obnoxious proceeding, as far as possible, from the public eye; and they were such as will strongly impress the House with the facility of abuse and the extreme difficulty of detection in everything which relates to the Indian administration. For these substituted persons were again represented by the further substitution of another name, viz., *Rada Churn Dey*, whom Mr. Barwell asserts to be a real person living at Dacca, and who *stood for the factory of Dacca;* whereas the Armenian affirms that there was *no* such person as *Rada Churn*, and that it was a fictitious name.

Mr. Barwell, in his justification, proceeds to affirm, that Coja Kaworke never had the management of the salt mahls, "*but on condition of accounting to the former Chief, and to Mr. Barwell, for a specified advantage arising from them*, — that Mr. Barwell determined, *without he could reconcile the interests of the public with his own private emoluments*, that he would not engage in this concern, — and that, when he took an interest in it, *it was for specified benefit in money*, and every condition in the public engagement to be answered."

Your Committee have stated the preceding facts in the same terms in which they are stated by Mr. Barwell. The House is to judge how far they amount to a defence against the charges contained in Kaworke's petition, or to an admission of the truth of the principal part of it. Mr. Barwell does not allow that compulsion was used to extort the money which he received from the petitioner, or that the latter was dispossessed of the farms in consequence of an offer made to Mr. Barwell by another person (Ramsunder Paulet) to pay him a lac of ru-

pees more for them. The truth of *these* charges has not been ascertained. They were declared by Mr. Barwell to be false, but no attempt was made by him to invalidate or confute them, though it concerned his reputation, and it was his duty, in the station wherein he was placed, that charges of such a nature should have been disproved, — at least, the accuser should have been pushed to the proof of them. Nothing of this kind appears to have been done, or even attempted.

The transaction itself, as it stands, is clearly collusive; the form in which it is conducted is clandestine and mysterious in an extraordinary degree; and the acknowledged object of it a great illicit profit, to be gained by an agent and trustee of the Company at the expense of his employers, and of which he confesses he has received a considerable part.

The committee of the Governor-General and Council appear to have closed their proceedings with several resolutions, which, with the answers given by Mr. Barwell as a defence, are inserted in the Appendix. The whole are referred thither together, on account of the ample extent of the answer. These papers will be found to throw considerable light not only on the points in question, but on the general administration of the Company's revenues in Bengal. On some passages in Mr. Barwell's defence, or account of his conduct, your Committee offer the following remarks to the judgment of the House.

In his letter of the 23rd March, 1775, he says, that he engaged for Savagepoor *in the persuasion of its being a very profitable farm.* In this place your Committee think it proper to state the 17th article of the regulations of the Committee of Circuit, formed in

May, 1772, by the President and Council, of which Mr. Barwell was a member, together with their own observations thereupon.

17th. "That no peshcar, banian, or other servant, of whatever denomination, of the collector, or relation or dependant of any such servant, be allowed to farm lands, nor directly or indirectly to hold a concern in any farm, nor to be security for any farmer; that the collector be strictly enjoined to prevent such practices; and that, if it shall be discovered that any one, *under a false name, or any kind of collusion*, hath found means to evade this order, he shall be subject to an heavy fine, proportionate to the amount of the farm, and the farm shall be relet, or made *khas:* and if it shall appear that the collector shall have countenanced, approved, or connived at a breach of this regulation, he shall stand *ipso facto* dismissed from his collectorship. Neither shall any European, directly or indirectly, be permitted to rent lands in any part of the country."

Remark by the Board.

17th. "If the collector, or any persons who partake of his authority, are permitted to be the farmers of the country, no other persons will dare to be their competitors: of course they will obtain the farms on their own terms. *It is not fit that the servants of the Company should be dealers with their masters.* The collectors are checks on the farmers. If they themselves turn farmers, what checks can be found for *them?* What security will the Company have for their property, or where are the ryots to look for relief against oppressions?"

The reasons assigned for the preceding regulation seem to your Committee to be perfectly just; but they can by no means be reconciled to those which induced Mr. Barwell to engage in the salt farms of Selimabad and Savagepoor. In the first place, his doing so is at length a direct and avowed, though at first a covert, violation of the public regulation, to which he was himself a party as a member of the government, as well as an act of disobedience to the Company's positive orders on this subject. In their General Letter of the 17th May, 1766, the Court of Directors say, "We positively order, that no covenanted servant, or Englishman residing under our protection, shall be suffered to hold any land for his own account, directly or indirectly, in his own name or that of others, or to be concerned in any farms or revenues whatsoever."

Secondly, if, instead of letting the Company's lands or farms to indifferent persons, their agent or trustee be at liberty to hold them himself, he will always (on principles stated and adhered to in the defence) have a sufficient reason for farming them on his own account, since he can at all times make them as profitable as he pleases; or if he leases them to a third person, yet reserves an intermediate profit for himself, that profit may be as great as he thinks fit, and must be necessarily made at the Company's expense. If at the same time he be collector of the revenues, it will be his interest to recommend remissions in favor of the nominal farmer, and he will have it in his power to sink the amount of his collections.

These principles, and the correspondent practices, leave the India Company without any security that all the leases of the lands of Bengal may not have

been disposed of, under that administration which made the five years' settlement in 1772, in the same manner and for the same purpose.

To enable the House to judge how far this apprehension may be founded, it will be proper to state, that Mr. Nicholas Grueber, who preceded Mr. Barwell in the Chiefship of Dacca, in a letter dated 29th of April, 1775, declares that he paid to the Committee of Circuit twelve thousand rupees as their profit on a single salt farm, — which sum, he says, "I paid the Committee at their request, before their departure from Dacca, and reimbursed myself out of *the advances* directed to be issued for the provision of the salt." Thus one illicit and mischievous transaction always leads to another; and the irregular farming of revenue brings on the misapplication of the commercial advances.

Mr. Barwell professes himself to be sensible "*that a wish to add to his fortune may possibly have warped his judgment*, and that *he rather chooses to admit an error than deny a fact.*" But your Committee are of opinion that the extraordinary caution and the intricate contrivances with which his share in this transaction is wrapped up form a sufficient proof that he was not altogether misled in his judgment; and though there might be some merit in acknowledging an error before it was discovered, there could be very little in a confession produced by previous detection.

The reasons assigned by Mr. Barwell, in defence of the clandestine part of this transaction, seem to your Committee to be insufficient in themselves, and not very fit to be urged by a man in his station. In one place he says, that "*it was not thought consistent with the public regulations that the names of any Europeans*

should appear." In another he says, "I am aware of the objection that has been made to the English taking farms under the names of natives, as prohibited by the Company's orders; and I must *deviate* a little upon this. It has been generally understood that the scope and tendency of the Honorable Company's prohibition of farms to Europeans was meant only to exclude such as could not possibly, in their own persons, come under the jurisdiction of the Duanné courts of Adawlet, because, upon any failure of engagements, upon any complaint of unjust oppression, or other cause of discontent whatever, it was supposed an European might screen himself from the process of the country judicature. But it was never supposed *that an European of credit and responsibility* was absolutely incapable from holding certain tenures under the sanction and authority of the country laws, or from becoming security for such native farmers, contractors, &c., &c., as he might protect and employ."

Your Committee have opposed this construction of Mr. Barwell's to the positive order which the conduct it is meant to color has violated. "Europeans of credit and responsibility," that is, Europeans armed with wealth and power, and exercising offices of authority and trust, instead of being excepted from the spirit of the restriction, must be supposed the persons who are chiefly meant to be comprehended in it; for abstract the idea of an European from the ideas of power and influence, and the restriction is no longer rational.

Your Committee are therefore of opinion that the nature of the evil which was meant to be prevented by the above orders and regulations was not altered,

or the evil itself diminished, by the collusive methods made use of to evade them, — and that, if the regulations were proper, (as they unquestionably were,) they ought to have been punctually complied with, particularly by the members of the government, *who formed the plan*, and who, as trustees of the Company, were especially answerable for their being duly carried into execution. Your Committee have no reason to believe that it could ever have been generally understood "that the Company's prohibition of farms to Europeans was meant only to exclude such as could not possibly, in their own persons, come under the jurisdiction of the Duanné courts": no such restriction is so much as hinted at. And if it had been so understood, Mr. Barwell was one of the persons who, from their rank, station, and influence, must have been the principal objects of the prohibition. Since the establishment of the Company's influence in Bengal, no Europeans, of any rank whatever, have been subject to the process of the country judicature; and whether they act avowedly for themselves, and take farms in their own name, or substitute native Indians to act for them, the difference is not material. The same influence that screened an European from the jurisdiction of the country courts would have equally protected his native agent and representative. For many years past the Company's servants have presided in those courts, and in comparison with *their* authority the native authority is nothing.

The earliest instructions that appear to have been given by the Court of Directors in consequence of these transactions in Bengal are dated the 5th of February, 1777. In their letter of that date they applaud the proceedings of the board, meaning the majority,

(then consisting of General Clavering, Colonel Monson, and Mr. Francis,) *as highly meritorious*, and promise them their *firmest support.* "Some of the *cases*," they say, "*are so flagrantly corrupt, and others attended with circumstances so oppressive to the inhabitants, that it would be unjust to suffer the delinquents to go unpunished.*" With this observation their proceedings appear to have ended, and paused for more than a year.

On the 4th of March, 1778, the Directors appear to have resumed the subject. In their letter of that date they instructed the Governor and Council forthwith to commence a prosecution in the Supreme Court of Judicature against the persons who composed the Committee of Circuit, or their representatives, and also against Mr. Barwell, in order to recover, for the use of the Company, the amount of all advantages acquired by them from their several engagements in salt contracts and farms. Adverting, however, to the declaration made by Mr. Barwell, that he would account to the Court of Directors for the last shilling he had received and abide implicity by their judgment, they thought it probable, that, on being acquainted with their peremptory orders for commencing a prosecution, he might be desirous of paying his share of profits into the Company's treasury; and they pointed out a precaution to be used in accepting such a tender on his part.

On this part of the transaction your Committee observe, that the Court of Directors appear blamable in having delayed till February, 1777, to take any measure in consequence of advices so interesting and important, and on a matter concerning which they had made so strong a declaration, — considering that

early in April, 1776, they say "they had investigated the charges, and had then come to certain resolutions concerning them." But their delaying to send out positive orders for commencing a prosecution against the parties concerned till March, 1778, cannot be accounted for. In the former letter they promise, if they should find it necessary, to return the original covenants of such of their servants as had been any ways concerned in the undue receipt of money, in order to enable the Governor-General and Council to recover the same by suits in the Supreme Court. But your Committee do not find that the covenants were ever transmitted to Bengal. To whatever cause these instances of neglect and delay may be attributed, they could not fail to create an opinion in Bengal that the Court of Directors were not heartily intent upon the execution of their own orders, and to discourage those members of government who were disposed to undertake so invidious a duty.

In consequence of these delays, even their first orders did not arrive in Bengal until some time after the death of Colonel Monson, when the whole power of the board had devolved to Mr. Hastings and Mr. Barwell. When they sent what they call *their positive orders*, in March, 1778, they had long been apprised of the death of Colonel Monson, and must have been perfectly certain of the effect which that event would have on the subsequent measures and proceedings of the Governor-General and Council. Their opinion of the principles of those gentlemen appears in their letter of the 28th of November, 1777, wherein they say "they cannot but express their concern that the power of granting away their property in perpetuity should have devolved upon such persons."

But the conduct of the Court of Directors appears to be open to objections of a nature still more serious and important. A recovery of the amount of Mr. Barwell's profits seems to be the only purpose which they even professed to have in view. But your Committee are of opinion that to preserve the reputation and dignity of the government of Bengal was a much more important object, and ought to have been their first consideration. The prosecution was not the pursuit of mean and subordinate persons, who might with safety to the public interest remain in their seats during such an inquiry into their conduct. It appears very doubtful, whether, if there were grounds for such a prosecution, a proceeding in Great Britain were not more politic than one in Bengal. Such a prosecution ought not to have been ordered by the Directors, but upon grounds that would have fully authorized the recall of the gentleman in question. This prosecution, supposing it to have been seriously undertaken, and to have succeeded, must have tended to weaken the government, and to degrade it in the eyes of all India. On the other hand, to intrust a man, armed as he was with all the powers of his station, and indeed of the government, with the conduct of a prosecution against himself, was altogether inconsistent and absurd. The same letter in which they give these orders exhibits an example which sets the inconsistency of their conduct in a stronger light, because the case is somewhat of a similar nature, but infinitely less pressing in its circumstances. Observing that the Board of Trade had commenced a prosecution against Mr. William Barton, a member of that board, for various acts of peculation committed by him, they say, "We must be of opinion, that,

as *prosecutions are actually carrying on against him by our Board of Trade*, he is, during such prosecution at least, an improper person to hold a seat *at that board;* and therefore we direct that he be suspended from the Company's service until our further pleasure concerning him be known." The principle laid down in this instruction, even before their own opinion concerning Mr. Barton's case was declared, and merely on the prosecution of others, serves to render their conduct not very accountable in the case of Mr. Barwell. Mr. Barton was in a subordinate situation, and his remaining or not remaining in it was of little or no moment to the prosecution. Mr. Barton was but one of seven; whereas Mr. Barwell was one of four, and, with the Governor-General, was in effect the Supreme Council.

In the present state of power and patronage in India, and during the relations which are permitted to subsist between the judges, the prosecuting officers, and the Council-General, your Committee is very doubtful whether the mode of prosecuting the highest members in the Bengal government, before a court at Calcutta, could have been almost in any case advisable.

It is possible that particular persons, in high judicial and political situations, may, by force of an unusual strain of virtue, be placed far above the influence of those circumstances which in ordinary cases are known to make an impression on the human mind. But your Committee, sensible that laws and public proceedings ought to be made for general situations, and not for personal dispositions, are not inclined to have any confidence in the effect of criminal proceedings, where no means are provided

for preventing a mutual connection, by dependencies, agencies, and employments, between the parties who are to prosecute and to judge and those who are to be prosecuted and to be tried.

Your Committee, in a former Report, have stated the consequences which they apprehended from the dependency of the judges on the Governor-General and Council of Bengal; and the House has entered into their ideas upon this subject. Since that time it appears that Sir Elijah Impey has accepted of the guardianship of Mr. Barwell's children, and was the trustee for his affairs. There is no law to prevent this sort of connection, and it is possible that it might not at all affect the mind of that judge, or (upon his account) indirectly influence the conduct of his brethren; but it must forcibly affect the minds of those who have matter of complaint against government, and whose cause the Court of Directors appear to espouse, in a country where the authority of the Court of Directors has seldom been exerted but to be despised, where the operation of laws is but very imperfectly understood, but where men are acute, sagacious, and even suspicious of the effect of all personal connections. Their suspicions, though perhaps not rightly applied to every individual, will induce them to take indications from the situations and connections of the prosecuting parties, as well as of the judges. It cannot fail to be observed, that Mr. Naylor, the Company's attorney, lived in Mr. Barwell's house; the late Mr. Bogle, the Company's commissioner of lawsuits, owed his place to the patronage of Mr. Hastings and Mr. Barwell, by whom the office was created for him; and Sir John Day, the Company's advocate, who arrived in

Bengal in February, 1779, had not been four months in Calcutta, when Mr. Hastings, Mr. Barwell, and Sir Eyre Coote doubled his salary, contrary to the opinion of Mr. Francis and Mr. Wheler.

If the Directors are known to devolve the whole cognizance of the offences charged on their servants so highly situated upon the Supreme Court, an excuse will be furnished, if already it has not been furnished, to the Directors for declining the use of their own proper political power and authority in examining into and animadverting on the conduct of their servants. Their true character, as strict masters and vigilant governors, will merge in that of prosecutors. Their force and energy will evaporate in tedious and intricate processes,—in lawsuits which can never end, and which are to be carried on by the very dependants of those who are under prosecution. On their part, these servants will decline giving satisfaction to their masters, because they are already before another tribunal; and thus, by shifting responsibility from hand to hand, a confederacy to defeat the whole spirit of the law, and to remove all real restraints on their actions, may be in time formed between the servants, Directors, prosecutors, and court. Of this great danger your Committee will take further notice in another place.

No notice whatever appears to have been taken of the Company's orders in Bengal till the 11th of January, 1779, when Mr. Barwell moved, *that the claim made upon him by the Court of Directors should be submitted to the Company's lawyers, and that they should be perfectly instructed to prosecute upon it.* In his minute of that date he says, "*that the state of his health had long since rendered it necessary for him to return to Europe.*"

Your Committee observe that he continued in Bengal another year. He says, "that he had hitherto waited for the arrival of Sir John Day, the Company's advocate; but as the season was now far advanced, he wished to bring the trial speedily to issue."

In this minute he retracts his original engagement to submit himself to the judgment of the Court of Directors, "and to account to them for the last shilling he had received": he says, "that no merit had been given him for the offer; that a most unjustifiable advantage had been attempted to be made of it, by first declining it and *descending to abuse*, and then giving orders upon it as if it had been rejected, when called upon by him in the person of his agent to bring home the charge of delinquency."

Mr. Barwell's reflections on the proceedings of the Court of Directors are not altogether clearly expressed; nor does it appear distinctly to what facts he alludes. He asserts that a most unjustifiable advantage had been attempted to be made of his offer. The fact is, the Court of Directors have nowhere declined accepting it; on the contrary, they caution the Governor-General and Council about the manner of receiving the tender of the money which they expect him to make. They say nothing of any call made on them by Mr. Barwell's agent in England; nor does it appear to your Committee that they "have descended to abuse." They have a right, and it is their duty, to express, in distinct and appropriated terms, their sense of all blamable conduct in their servants.

So far as may be collected from the evidence of the Company's records, Mr. Barwell's assertions do

not appear well supported; but even if they were more plausible, your Committee apprehend that he could not be discharged from his solemn recorded promise to abide by the judgment of the Court of Directors. Their judgment was declared by their resolution to prosecute, which it depended upon himself to satisfy by making good his engagement. To excuse his not complying with the Company's claims, he says, "*that his compliance would be urged as a confession of delinquency, and to proceed from conviction of his having usurped on the rights of the Company.*" Considerations of this nature might properly have induced Mr. Barwell to stand upon his right in the first instance, "*and to appeal*" (to use his own words) "*to the laws of his country, in order to vindicate his fame.*" But his performance could not have more weight to infer delinquency than his promise. Your Committee think his observation comes too late.

If he had stood a trial, when he first acknowledged the facts, and submitted himself to the judgment of the Court of Directors, the suit would have been carried on under the direction of General Clavering, Colonel Monson, and Mr. Francis; whereas in the year 1779 his influence at the board gave him the conduct of it himself. In an interval of four years it may be presumed that great alterations might have happened in the state of the evidence against him.

In the subsequent proceedings of the Governor-General and Council the House will find that Mr. Barwell complained that his instances for carrying on the prosecution were ineffectual, owing to the legal difficulties and delays *urged by the Company's law officers*, which your Committee do not find have

yet been removed. As far as the latest advices reach, no progress appears to have been made in the business. In July, 1782, the Court of Directors found it necessary to order an account of all suits against Europeans depending in the Supreme Court of Judicature to be transmitted to them, and that no time should be lost in bringing them to a determination.

SALTPETRE.

The next article of direct monopoly subservient to the Company's export is saltpetre. This, as well as opium, is far the greater part the produce of the province of Bahar. The difference between the management and destination of the two articles has been this. Until the year 1782, the opium has been sold in the country, and the produce of the sale laid out in country merchandise for the Company's export. A great part of the saltpetre is sent out in kind, and never has contributed to the interior circulation and commerce of Bengal. It is managed by agency on the Company's account. The price paid to the manufacturer is invariable. Some of the larger undertakers receive advances to enable them to prosecute their work; but as they are not always equally careful or fortunate, it happens that large balances accumulate against them. Orders have been sent from Calcutta from time to time to recover their balances, with little or no success, but with great vexation to all concerned in the manufacture. Sometimes they have imprisoned the failing contractors in their own houses, —a severity which answers no useful purpose. Such persons are so many hands detached from the im-

provement and added to the burden of the country. They are persons of skill drawn from the future supply of that monopoly in favor of which they are prosecuted. In case of the death of the debtor, this rigorous demand falls upon the ruined houses of widows and orphans, and may be easily converted into a means either of cruel oppression or a mercenary indulgence, according to the temper of the exactors. Instead of thus having recourse to imprisonment, the old balance is sometimes deducted from the current produce. This, in these circumstances, is a grievous discouragement. People must be discouraged from entering into a business, when, the commodity being fixed to one invariable standard and confined to one market, the best success can be attended only with a limited advantage, whilst a defective produce can never be compensated by an augmented price. Accordingly, very little of these advances has been recovered, and after much vexation the pursuit has generally been abandoned. It is plain that there can be no life and vigor in any business under a monopoly so constituted; nor can the true productive resources of the country, in so large an article of its commerce, ever come to be fully known.

The supply for the Company's demand in England has rarely fallen short of two thousand tons, nor much exceeded two thousand five hundred. A discretionary allowance of this commodity has been made to the French, Dutch, and Danes, who purchase their allotted shares at some small advance on the Company's price. The supply destined for the London market is proportioned to the spare tonnage; and to accommodate that tonnage, the saltpetre is sometimes sent to Madras and sometimes even to Bombay, and that

not unfrequently in vessels expressly employed for the purpose.

Mr. Law, Chief of Patna, being examined on the effect of that monopoly, delivered his opinion, that with regard to the Company's *trade* the monopoly was advantageous, but as sovereigns of the country they must be losers by it. These two capacities in the Company are found in perpetual contradiction. But much doubt may arise whether this monopoly will be found advantageous to the Company either in the one capacity or the other. The gross commodity monopolized for sale in London is procured from the revenues in Bengal; the certain is given for the hazardous. The loss of interest on the advances, sometimes the loss of the principal, — the expense of carriage from Patna to Calcutta, — the various loadings and unloadings, and insurance (which, though borne by the Company, is still insurance), — the engagement for the Ordnance, limited in price, and irregular in payment, — the charge of agency and management, through all its gradations and successions, — when all these are taken into consideration, it may be found that the gain of the Company as traders will be far from compensating their loss as sovereigns. A body like the East India Company can scarcely, in any circumstance, hope to carry on the details of such a business, from its commencement to its conclusion, with any degree of success. In the subjoined estimate of profit and loss, the value of the commodity is stated at its invoice price at Calcutta. But this affords no just estimate of the whole effect of a dealing, where the Company's charge commences in the first rudiments of the manufacture, and not at the purchase at the place of sale and valuation: for they [there?]

may be heavy losses on the value at which the saltpetre is estimated, when shipped off on their account, without any appearance in the account; and the inquiries of your Committee to find the charges on the saltpetre previous to the shipping have been fruitless.

BRITISH GOVERNMENT IN INDIA.

THE other link by which India is bound to Great Britain is the government established there originally by the authority of the East India Company, and afterwards modified by Parliament by the acts of 1773 and 1780. This system of government appears to your Committee to be at least as much disordered, and as much perverted from every good purpose for which lawful rule is established, as the trading system has been from every just principle of commerce. Your Committee, in tracing the causes of this disorder through its effects, have first considered the government as it is constituted and managed within itself, beginning with its most essential and fundamental part, the order and discipline by which the supreme authority of this kingdom is maintained.

The British government in India being a subordinate and delegated power, it ought to be considered as a fundamental principle in such a system, that it is to be preserved in the strictest obedience to the government at home. Administration in India, at an immense distance from the seat of the supreme authority, — intrusted with the most extensive powers, — liable to the greatest temptations, — possessing the amplest means of abuse, — ruling over a people guarded by no distinct or well-ascertained

privileges, whose language, manners, and radical prejudices render not only redress, but all complaint on their part, a matter of extreme difficulty, — such an administration, it is evident, never can be made subservient to the interests of Great Britain, or even tolerable to the natives, but by the strictest rigor in exacting obedience to the commands of the authority lawfully set over it.

But your Committee find that this principle has been for some years very little attended to. Before the passing the act of 1773, the professed purpose of which was to secure a better subordination in the Company's servants, such was the firmness with which the Court of Directors maintained their authority, that they displaced Governor Cartier, confessedly a meritorious servant, for disobedience of orders, although his case was not a great deal more than a question by whom the orders were to be obeyed.* Yet the Directors were so sensible of the necessity of a punctual and literal obedience, that, conceiving their orders went to the parties who were to obey, as well as to the act to be done, they proceeded with a strictness that, in all cases except that of their peculiar government, might well be considered as rigorous. But in proportion as the necessity of enforcing obedience grew stronger and more urgent, and in proportion to the magnitude and importance of the objects affected by disobedience, this rigor has been relaxed. Acts of disobedience have not only grown frequent, but systematic; and they have appeared in such instances, and are manifested in such a manner, as to amount, in the Company's

* Vide Committee's Fifth Report, page 21, and Appendix to that Report, No. 12.

servants, to little less than absolute independence, against which, on the part of the Directors, there is no struggle, and hardly so much as a protest to preserve a claim.

Before your Committee proceed to offer to the House their remarks on the most distinguished of these instances, the particulars of which they have already reported, they deem it necessary to enter into some detail of a transaction equally extraordinary and important, though not yet brought into the view of Parliament, which appears to have laid the foundation of the principal abuses that ensued, as well as to have given strength and encouragement to those that existed. To this transaction, and to the conclusions naturally deducible from it, your Committee attribute that general spirit of disobedience and independence which has since prevailed in the government of Bengal.

Your Committee find that in the year 1775 Mr. Lauchlan Macleane was sent into England as agent to the Nabob of Arcot and to Mr. Hastings. The conduct of Mr. Hastings, in assisting to extirpate, for a sum of money to be paid to the Company, the innocent nation of the Rohillas, had drawn upon him the censure of the Court of Directors, and the unanimous censure of the Court of Proprietors. The former had even resolved to prepare an application to his Majesty for Mr. Hastings's dismission.

Another General Court was called on this proceeding. Mr. Hastings was then openly supported by a majority of the Court of Proprietors, who professed to entertain a good opinion of his general ability and rectitude of intention, notwithstanding the unanimous censure passed upon him. In that censure

they therefore seemed disposed to acquiesce, without pushing the matter farther. But, as the offence was far from trifling, and the condemnation of the measure recent, they did not directly attack the resolution of the Directors to apply to his Majesty, but voted in the ballot that it should be reconsidered. The business therefore remained in suspense, or it rather seemed to be dropped, for some months, when Mr. Macleane took a step of a nature not in the least to be expected from the condition in which the cause of his principal stood, which was apparently as favorable as the circumstances could bear. Hitherto the support of Mr. Hastings in the General Court was only by a majority; but if on application from the Directors he should be removed, a mere majority would not have been sufficient for his restoration. The door would have been barred against his return to the Company's service by one of the strongest and most substantial clauses in the Regulating Act of 1773. Mr. Macleane, probably to prevent the manifest ill consequences of such a step, came forward with a letter to the Court of Directors, declaring his provisional powers, and offering on the part of Mr. Hastings an immediate resignation of his office.

On this occasion the Directors showed themselves extremely punctilious with regard to Mr. Macleane's powers. They probably dreaded the charge of becoming accomplices to an evasion of the act by which Mr. Hastings, resigning the service, would escape the consequences attached by law to a dismission; they therefore demanded Mr. Macleane's written authority. This he declared he could not give into their hands, as the letter contained other matters, of a nature extremely confidential, but that,

if they would appoint a committee of the Directors, he would readily communicate to them the necessary parts of the letter, and give them perfect satisfaction with regard to his authority. A deputation was accordingly named, who reported that they had seen Mr. Hastings's instructions, contained in a paper in *his own handwriting*, and that the authority for the act now done by Mr. Macleane was clear and sufficient. Mr. Vansittart, a very particular friend of Mr. Hastings, and Mr. John Stewart, his most attached and confidential dependant, attended on this occasion, and proved that directions perfectly correspondent to this written authority had been given by Mr. Hastings in their presence. By this means the powers were fully authenticated; but the letter remained safe in Mr. Macleane's hands.

Nothing being now wanting to the satisfaction of the Directors, the resignation was formally accepted. Mr. Wheler was named to fill the vacancy, and presented for his Majesty's approbation, which was received. The act was complete, and the office that Mr. Hastings had resigned was legally filled. This proceeding was officially notified in Bengal, and General Clavering, as senior in Council, was in course to succeed to the office of Governor-General.

Mr. Hastings, to extricate himself from the difficulties into which this resignation had brought him, had recourse to one of those unlooked-for and hardy measures which characterize the whole of his administration. He came to a resolution of disowning his agent, denying his letter, and disavowing his friends. He insisted on continuing in the execution of his office, and supported himself by such reasons as could be furnished in such a cause. An open

schism instantly divided the Council. General Clavering claimed the office to which he ought to succeed, and Mr. Francis adhered to him: Mr. Barwell stuck to Mr. Hastings. The two parties assembled separately, and everything was running fast into a confusion which suspended government, and might very probably have ended in a civil war, had not the judges of the Supreme Court, on a reference to them, settled the controversy by deciding that the resignation was an invalid act, and that Mr. Hastings was still in the legal possession of his place, which had been actually filled up in England. It was extraordinary that the nullity of this resignation should not have been discovered in England, where the act authorizing the resignation then was, where the agent was personally present, where the witnesses were examined, and where there was and could be no want of legal advice, either on the part of the Company or of the crown. The judges took no light matter upon them in superseding, and thereby condemning the legality of his Majesty's appointment: for such it became by the royal approbation.

On this determination, such as it was, the division in the meeting, but not in the minds of the Council, ceased. General Clavering uniformly opposed the conduct of Mr. Hastings to the end of his life. But Mr. Hastings showed more temper under much greater provocations. In disclaiming his agent, and in effect accusing him of an imposture the most deeply injurious to his character and fortune, and of the grossest forgery to support it, he was so very mild and indulgent as not to show any active resentment against his unfaithful agent, nor to complain to the Court of Directors. It was expected in Bengal that

some strong measures would have immediately been taken to preserve the just rights of the king and of the Court of Directors; as this proceeding, unaccompanied with the severest animadversion, manifestly struck a decisive blow at the existence of the most essential powers of both. But your Committee do not find that any measures whatever, such as the case seemed to demand, were taken. The observations made by the Court of Directors on what they call "*these extraordinary transactions*" are just and well applied. They conclude with a declaration, "*that the measures which it might be necessary for them to take, in order to retrieve the honor of the Company, and to prevent the like abuse from being practised in future, should have their most serious and earliest consideration*"; and with this declaration they appear to have closed the account, and to have dismissed the subject forever.

A sanction was hereby given to all future defiance of every authority in this kingdom. Several other matters of complaint against Mr. Hastings, particularly the charge of peculation, fell to the ground at the same time. Opinions of counsel had been taken relative to a prosecution at law upon this charge, from the then Attorney and the then Solicitor-General and Mr. Dunning, (now the Lords Thurlow, Loughborough, and Ashburton,) together with Mr. Adair (now Recorder of London). None of them gave a positive opinion against the grounds of the prosecution. The Attorney-General doubted on the *prudence* of the proceedings, and censured (as it well deserved) the ill statement of the case. Three of them, Mr. Wedderburn, Mr. Dunning, and Mr. Adair, were clear in favor of the prosecution. No prosecution, however, was

had, and the Directors contented themselves with censuring and admonishing Mr. Hastings.

With regard to the Supreme Council, the members who chose (for it was choice only) to attend to the orders which were issued from the languishing authority of the Directors continued to receive unprofitable applauses and no support. Their correspondence was always filled with complaints, the justice of which was always admitted by the Court of Directors; but this admission of the existence of the evil showed only the impotence of those who were to administer the remedy. The authority of the Court of Directors, resisted with success in so capital an instance as that of the resignation, was not likely to be respected in any other. What influence it really had on the conduct of the Company's servants may be collected from the facts that followed it.

The disobedience of Mr. Hastings has of late not only become uniform and systematical in practice, but has been in principle, also, supported by him, and by Mr. Barwell, late a member of the Supreme Council in Bengal, and now a member of this House.

In the Consultation of the 20th of July, 1778, Mr. Barwell gives it as his solemn and deliberate opinion, that, "while Mr. Hastings is in the government, the respect and dignity of his station should be supported. In these sentiments, I must decline an acquiescence in *any* order which has a *tendency* to bring the government into disrepute. As the Company have the means and power of forming their own administration in India, they may at pleasure place whom they please at the head; but in my opinion they are not authorized to treat a person in that post with *indignity*."

By treating them with indignity (in the particular

cases wherein they have declined obedience to orders) they must mean those orders which imply a censure on any part of their conduct, a reversal of any of their proceedings, or, as Mr. Barwell expresses himself in words very significant, in any orders that have a *tendency* to bring *their* government into *disrepute*. The amplitude of this latter description, reserving to them the judgment of any orders which have so much as that *tendency*, puts them in possession of a complete independence, an independence including a despotic authority over the subordinates and the country. The very means taken by the Directors for enforcing their authority becomes, on this principle, a cause of further disobedience. It is observable, that their principles of disobedience do not refer to any local consideration, overlooked by the Directors, which might supersede their orders, or to any change of circumstances, which might render another course advisable, or even perhaps necessary, — but it relates solely to their own interior feelings in matters relative to themselves, and their opinion of their own dignity and reputation. It is plain that they have wholly forgotten who they are, and what the nature of their office is. Mr. Hastings and Mr. Barwell are servants of the Company, and as such, by the duty inherent in that relation, as well as by their special covenants, were obliged to yield obedience to the orders of their masters. They have, as far as they were able, cancelled all the bonds of this relation, and all the sanctions of these covenants.

But in thus throwing off the authority of the Court of Directors, Mr. Hastings and Mr. Barwell have thrown off the authority of the whole legislative power of Great Britain; for, by the Regulating Act of the

thirteenth of his Majesty, they are expressly "directed and required to pay due obedience to *all* such orders as they shall receive from the Court of Directors of the said United Company." Such is the declaration of the law. But Mr. Barwell declares that he declines obedience to *any* orders which he shall interpret to be indignities on a Governor-General. To the clear injunctions of the legislature Mr. Hastings and Mr. Barwell have thought proper to oppose their pretended reputation and dignity; as if the chief honor of public ministers in every situation was not to yield a cheerful obedience to the laws of their country. Your Committee, to render evident to this House the general nature and tendency of this pretended dignity, and to illustrate the real principles upon which they appear to have acted, think it necessary to make observations on three or four of the cases, already reported, of marked disobedience to particular and special orders, on one of which the above extraordinary doctrine was maintained.

These are the cases of Mr. Fowke, Mr. Bristow, and Mahomed Reza Khân. In a few weeks after the death of Colonel Monson, Mr. Hastings having obtained a majority in Council by his casting vote, Mr. Fowke and Mr. Bristow were called from their respective offices of Residents at Benares and Oude, places which have become the scenes of other extraordinary operations under the conduct of Mr. Hastings in person. For the recall of Mr. Bristow no reason was assigned. The reason assigned for the proceeding with regard to Mr. Fowke was, that "the purposes for which he was appointed were then fully accomplished."

An account of the removal of Mr. Fowke was communicated to the Court of Directors in a letter of the

22d of December, 1776. On this notification the Court had nothing to conclude, but that Mr. Hastings, from a rigid pursuit of economy in the management of the Company's affairs, had recalled a useless officer. But, without alleging any variation whatsoever in the circumstances, in less than twenty days after the order for the recall of Mr. Fowke, and *the very day after the dispatch* containing an account of the transaction, Mr. Hastings recommended Mr. Graham to this very office, the end of which, he declared to the Directors but the day before, had been fully accomplished; and not thinking this sufficient, he appointed Mr. D. Barwell as his assistant, at a salary of about four hundred pounds a year. Against this extraordinary act General Clavering and Mr. Francis entered a protest.

So early as the 6th of the following January the appointment of these gentlemen was communicated in a letter to the Court of Directors, without any sort of color, apology, or explanation. That court found a servant removed from his station without complaint, contrary to the tenor of one of their standing injunctions. They allow, however, and with reason, that, "if it were possible to suppose that a saving, &c., had been his motive, they would have approved his proceeding. But that when immediately afterwards two persons, with *two* salaries, had been appointed to execute the office which had been filled with reputation by Mr. Fowke alone, and that Mr. Graham enjoys all the emoluments annexed to the office of Mr. Fowke," — they properly conclude that Mr. Fowke was removed without just cause, to make way for Mr. Graham, and strictly enjoin that the former be reinstated in his office of Resident as Post-

master of Benares. In the same letter they assert their rights in a tone of becoming firmness, and declare, that "on no account we can permit our orders to be disobeyed or our authority disregarded."

It was now to be seen which of the parties was to give way. The orders were clear and precise, and enforced by a strong declaration of the resolution of the Court to make itself obeyed. Mr. Hastings fairly joined issue upon this point with his masters, and, having disobeyed the general instructions of the Company, determined to pay no obedience to their special order.

On the 21st July, 1778, he moved, and succeeded in his proposition, that the execution of these orders should be suspended. The reason he assigned for this suspension lets in great light upon the true character of all these proceedings: "That his consent to the recall of Mr. Graham would be adequate to his own resignation of the service, as it would inflict such a wound on *his authority and influence* that he could not maintain it."

If that had been his opinion, he ought to have resigned, and not disobeyed: because it was not necessary that he should hold his office; but it was necessary, that, whilst he held it, he should obey his superiors, and submit to the law. Much more truly was his conduct a virtual resignation of his lawful office, and at the same time an usurpation of a situation which did not belong to him, to hold a subordinate office, and to refuse to act according to its duties. Had his authority been self-originated, it would have been wounded by his submission; but in this case the true nature of his authority was affirmed, not injured, by his obedience, because it was a power

derived from others, and, by its essence, to be executed according to their directions.

In this determined disobedience he was supported by Mr. Barwell, who on that occasion delivered the dangerous doctrine to which your Committee have lately adverted. Mr. Fowke, who had a most material interest in this determination, applied by letter to be informed concerning it. An answer was sent, acquainting him coldly, and without any reason assigned, of what had been resolved relative to his office. This communication was soon followed by another letter from Mr. Fowke, with great submission and remarkable decency asserting his right to his office under the authority of the Court of Directors, and for solid reasons, grounded on the Company's express orders, praying to be informed of the charge against him. This letter appears to have been received by Mr. Hastings and Mr. Barwell very loftily. Mr. Hastings said, "that such applications were irregular; that they are not accountable to Mr. Fowke for their resolution respecting him. The reasons for suspending the execution of the orders of the Court of Directors contain *no charge, nor the slightest imputation of a charge*, against Mr. Fowke; *but I see no reason why the board should condescend to tell him so.*" Accordingly, the proposition of Mr. Francis and Mr. Wheler, to inform Mr. Fowke "that they had no reason to be dissatisfied with his conduct," on the previous question was rejected.

By this resolution Mr. Hastings and Mr. Barwell discovered another principle, and no less dangerous than the first: namely, that persons deriving a valuable interest under the Company's orders, so far from being heard in favor of their right, are not so

much as to be informed of the grounds on which they are deprived of it.

The arrival soon after of Sir Eyre Coote giving another opportunity of trial, the question for obedience to the Company's orders was again * brought on by Mr. Francis, and again received a negative. Sir Eyre Coote, though present, and declaring, that, had he been at the original consultation, he should have voted for the immediate execution of the Company's orders, yet he was resolved to avoid what he called *any kind of retrospect.* His neutrality gained the question in favor of this, the third resolution for disobedience to orders.

The resolution in Bengal being thus decisively taken, it came to the turn of the Court of Directors to act their part. They did act their part exactly in their old manner: they had recourse to their old remedy of repeating orders which had been disobeyed. The Directors declare to Mr. Hastings and Mr. Barwell, though without any apparent reason, that "they have read *with astonishment their formal resolution* to suspend the execution of their orders; that they shall take such measures as appear necessary for *preserving the authority of the Court of Directors*, and for preventing *such instances of direct and wilful* disobedience in their servants in time to come." They then renew their directions concerning Mr. Fowke. The event of this *sole* measure taken to preserve their authority, and to prevent instances of direct and wilful disobedience, your Committee will state in its proper place, — taking into consideration, for the present, the proceedings relative to Mr. Bristow, and to Mahomed Reza Khân, which were

* 1st and 5th April, 1779.

altogether in the same spirit; but as they were diversified in the circumstances of disobedience, as well from the case of Mr. Fowke as from one another, and as these circumstances tend to discover other dangerous principles of abuse, and the general prostrate condition of the authority of Parliament in Bengal, your Committee proceed first to make some observations upon them.

The province of Oude, enlarged by the accession of several extensive and once flourishing territories, that is, by the country of the Rohillas, the district of Corah and Allahabad, and other provinces betwixt the Ganges and Jumna, is under the nominal dominion of one of the princes of the country, called Asoph ul Dowlah. But a body of English troops is kept up in his country; and the greatest part of his revenues are, by one description or another, substantially under the administration of English subjects. He is to all purposes a dependent prince. The person to be employed in his dominions to act for the Committee [Company?] was therefore of little consequence in his capacity of negotiator; but he was vested with a trust, great and critical, in all pecuniary affairs. These provinces of dependence lie out of the system of the Company's ordinary administration, and transactions there cannot be so readily brought under the cognizance of the Court of Directors. This renders it the more necessary that the Residents in such places should be persons not disapproved of by the Court of Directors. They are to manage a permanent interest, which is not, like a matter of political negotiation, variable, and which, from circumstances, might possibly excuse some degree of discretionary latitude in construing their orders. During the life-

time of General Clavering and Colonel Monson, Mr. Bristow was appointed to this Presidency, and that appointment, being approved and confirmed by the Court of Directors, became in effect their own. Mr. Bristow appears to have shown himself a man of talents and activity. He had been principally concerned in the negotiations by which the Company's interest in the higher provinces had been established; and those services were considered by the Presidency of Calcutta as so meritorious, that they voted him ten thousand pounds as a reward, with many expressions of esteem and honor.

Mr. Bristow, however, was recalled by Mr. Hastings and Mr. Barwell, who had then acquired the majority, without any complaint having been assigned as the cause of his removal, and Mr. Middleton was sent in his stead to reside at the capital of Oude. The Court of Directors, as soon as they could be apprised of this extraordinary step, in their letter of the 4th of July, 1777, express their strongest disapprobation of it: they order Mr. Middleton to be recalled, and Mr. Bristow to be reinstated in his office. In December, 1778, they repeat their order. Of these repeated orders no notice was taken. Mr. Bristow, fatigued with unsuccessful private applications, which met with a constant refusal, did at length, on the 1st of May, 1780, address a letter to the board, making his claim of right, entitling himself to his offices [office ?] under the authority of the Court of Directors, and complaining of the hardships which he suffered by the delay in admitting him to the exercise of it. This letter your Committee have inserted at large in the Fifth Report, having found nothing whatsoever exceptionable in it, although it seems to have excited the warmest resentment in Mr. Hastings.

This claim of the party gave no new force to the order of the Directors, which remained without any attention from the board from Mr. Bristow's arrival until the 1st of May, and with as little from the 1st of May to the 2nd of October following. On that day, Mr. Francis, after having caused the repeated orders of the Court of Directors to be first read, moved that Mr. Bristow should be reinstated in his office. This motion, in itself just and proper in the highest degree, and in which no fault could be found, but that it was not made more early, was received by Mr. Hastings with the greatest marks of resentment and indignation. He declares in his minute, that, "were the most determined adversary of the British nation to possess, by whatever means, a share in the administration, he could not devise a measure in *itself* so pernicious, or *time* it so effectually for the *ruin* of the British interests in India." Then turning to the object of the motion, he says, "I will ask, Who is Mr. Bristow, that a member of the administration should, at such a time, hold him forth as *an instrument for the degradation of the first executive member of this government?* What are the professed objects of his appointment? What are the *merits* and services, or what the *qualifications*, which entitle him to such uncommon distinction? Is it for his superior *integrity*, or from his eminent *abilities*, that he is to be dignified at such hazard of every consideration that ought to influence the members of this administration? Of the former (his integrity) I know *no proofs;* I am sure it is not an evidence of it, that he has been *enabled* to make himself the principal in such a *competition:* and for the test of his abilities I appeal to the letter which he has *dared* to write to

this board, and which I am ashamed to say we have *suffered.* I desire that a copy of it may be inserted in this day's proceedings, that it may stand before the eyes of every member of the board, when he shall give his vote upon a question for giving their confidence to a man, *their servant*, who has publicly insulted *them*, *his masters*, and the members of the government to whom he owes *his obedience*, — who, assuming an association with the Court of Directors, and erecting himself into a *tribunal*, has *arraigned* them for *disobedience* of orders, *passed judgment* upon them, *and condemned or acquitted them*, *as their magistrate or superior.* Let the board consider, whether a man possessed of so *independent* a spirit, who has already shown a *contempt* of their authority, who has shown himself *so wretched an advocate for his own cause and negotiator for his own interest*, is fit to be trusted with the guardianship of *their* honor, the execution of *their* measures, and as *their* confidential manager and negotiator with the princes of India. As the motion has been unaccompanied by any reasons which should induce the board to pass their acquiescence in it, I presume the motion which preceded it, for *reading the orders of the Court of Directors*, *was intended to serve as an argument for it*, *as well as an introduction to it.* The last of those was dictated the 23rd December, 1778, almost two years past. They were dictated at a time when, I am sorry to say, the Court of Directors were in *the habit of casting reproach upon my conduct and heaping indignities upon my station.*"

Had the language and opinions which prevail throughout this part of the minute, as well as in all the others to which your Committee refer, been

uttered suddenly and in a passion, however unprovoked, some sort of apology might be made for the Governor-General. But when it was produced five months after the supposed offence, and then delivered in writing, which always implies the power of a greater degree of recollection and self-command, it shows how deeply the principles of disobedience had taken root in his mind, and of an assumption to himself of exorbitant powers, which he chooses to distinguish by the title of "*his prerogative.*" In this also will be found an obscure hint of the cause of his disobedience, which your Committee conceive to allude to the main cause of the disorders in the government of India, — namely, an underhand communication with Europe.

Mr. Hastings, by his confidence in the support derived from this source, or from the habits of independent power, is carried to such a length as to consider a motion to obey the Court of Directors as a degradation of the executive government in his person. He looks upon a claim under that authority, and a complaint that it has produced no effect, as a piece of daring insolence which he is ashamed that the board has suffered. The behavior which your Committee consider as so intemperate and despotic he regards as a culpable degree of patience and forbearance. Major Scott, his agent, enters so much into the principles of Mr. Hastings's conduct as to tell your Committee that in his opinion Lord Clive would have sent home Mr. Bristow a prisoner upon such an occasion. It is worthy of remark, that, in the very same breath that Mr. Hastings so heavily condemns a junior officer in the Company's service (not a *servant* of the Council, as he hazards

to call him, but *their fellow-servant*) for merely complaining of a supposed injury and requiring redress, he so far forgets his own subordination as to reject the orders of the Court of Directors even as an *argument* in favor of appointing a person to an office, to presume to censure *his* undoubted masters, and to accuse them of having been "in a habit of casting reproaches upon him, and heaping indignities on *his* station." And it is to be observed, that this censure was not for the purpose of seeking or obtaining redress for any injury, but appeared rather as a reason for refusing to obey their lawful commands. It is plainly implied in that minute, that no servant of the Company, in Mr. Bristow's rank, would dare to act in such a manner, if he had not by indirect means obtained a premature fortune. This alone is sufficient to show the situation of the Company's servants in the subordinate situations, when the mere claim of a right, derived from the sovereign legal power, becomes fatal not only to the objects which they pursue, but deeply wounds that reputation both for ability and integrity by which alone they are to be qualified for any other.

If anything could add to the disagreeable situation of those who are submitted to an authority conducted on such principles, it is this: The Company has ordered that no complaint shall be made in Europe against any of the Council without being previously communicated to them: a regulation formed upon grave reasons; and it was certainly made in *favor* of that board. But if a person, having ground of complaint against the Council, by making use of the mode prescribed in favor of that very Council, and by complaining to themselves, commits an offence for

which he may be justly punished, the Directors have not regulated the mode of complaint, they have actually forbidden it; they have, on that supposition, renounced their authority; and the whole system of their officers is delivered over to the arbitrary will of a few of their chief servants.

During the whole day of that deliberation things wore a decided face. Mr. Hastings stood to his principles in their full extent, and seemed resolved upon unqualified disobedience. But as the debate was adjourned to the day following, time was given for expedients; and such an expedient was hit upon by Mr. Hastings as will, no doubt, be unexpected by the House; but it serves to throw new lights upon the motives of all his struggles with the authority of the legislature.

The next day the Council met upon the adjournment. Then Mr. Hastings proposed, as a compromise, a division of the object in question. One half was to be surrendered to the authority of the Court of Directors, the other was reserved for his dignity. But the choice he made of his own share in this partition is very worthy of notice. He had taken his *sole* ground of objection against Mr. Bristow on the supposed ill effect that such an appointment would have on the minds of the Indian powers. He said, "that these powers could have no dependence on his fulfilling his engagements, *or maintaining the faith of treaties* which he might offer for their acceptance, if they saw him treated with such contempt." Mr. Bristow's appearing in a political character was the *whole* of his complaint; yet, when he comes to a voluntary distribution of the duties of the office, he gives Mr. Bristow those very political negotiations of which but the

day before he had in such strong terms declared him personally incapable, whose appointment he considered to be fatal to those negotiations, and which he then spoke of as a measure in *itself* such as the bitterest adversary to Great Britain would have proposed. But having thus yielded his whole ground of ostensible objection, he reserved to his own appointment the entire management of the pecuniary trust. Accordingly he named Mr. Bristow for the former, and Mr. Middleton for the latter. On his own principles he ought to have done the very reverse. On every justifiable principle he ought to have done so; for a servant who for a long time resists the orders of his masters, and when he reluctantly gives way obeys them by halves, ought to be remarkably careful to make his actions correspond with his words, and to put himself out of all suspicion with regard to the purity of his motives. It was possible that the political reasons, which were solely assigned against Mr. Bristow's appointment, might have been the real motives of Mr. Hastings's opposition. But these he totally abandons, and holds fast to the pecuniary department. Now, as it is notorious that most of the abuses of India grow out of money-dealing, it was peculiarly unfit for a servant, delicate with regard to his reputation, to require a *personal* and confidential agent in a situation merely official, in which secrecy and personal connections could be of no possible use, and could only serve to excite distrust. Matters of account cannot be made too public; and it is not the most confidential agent, but the most responsible, who is the fittest for the management of pecuniary trusts. That man was the fittest at once to do the duty, and to

remove all suspicions from the Governor-General's character, whom, by not being of his appointment, he could not be supposed to favor for private purposes, who must naturally stand in awe of his inspection, and whose misconduct could not possibly be imputable to him. Such an agency in a pecuniary trust was the very last on which Mr. Hastings ought to have risked his disobedience to the orders of the Direction, — or, what is even worse for his motives, a direct contradiction to all the principles upon which he had attempted to justify that bold measure.

The conduct of Mr. Hastings in the affair of Mahomed Reza Khân was an act of disobedience of the same character, but wrought by other instruments. When the Duanné (or universal perception and management of the revenues) of Bengal was acquired to the Company, together with the command of the army, the Nabob, or governor, naturally fell into the rank rather of a subject than that even of a dependent prince. Yet the preservation of such a power in such a degree of subordination, with the criminal jurisdiction, and the care of the public order annexed to it, was a wise and laudable policy. It preserved a portion of the government in the hands of the natives; it kept them in respect; it rendered them quiet on the change; and it prevented that vast kingdom from wearing the dangerous appearance, and still more from sinking into the terrible state, of a country of conquest. Your Committee has already reported the manner in which the Company (it must be allowed, upon pretences that will not bear the slightest examination) diverted from its purposes a great part of the revenues appropriated

to the country government; but they were very properly anxious that what remained should be well administered. In the lifetime of General Clavering and Colonel Monson, Mahomed Reza Khân, a man of rank among the natives, was judged by them the fittest person to conduct the affairs of the Nabob, as his Naib, or deputy: an office well known in the ancient constitution of these provinces, at a time when the principal magistrates, by nature and situation, were more efficient. This appointment was highly approved, and in consequence confirmed, by the Court of Directors. Mr. Hastings and Mr. Barwell, however, thought proper to remove him. To the authority of the Court of Directors they opposed the request of the Nabob, stating that he was arrived at the common age of maturity, and stood *in no need of a deputy to manage his affairs.* On former occasions Mr. Hastings conceived a very low opinion of the condition of the person whom he thus set up against the authority of his masters. "On a former occasion," as the Directors tell him, "and to serve a very different purpose, he had not scrupled to declare it as visible as the sun that the Nabob was a mere pageant, without even *the shadow of authority.*" But on this occasion he became more substantial. Mr. Hastings and Mr. Barwell yielded to his representation that a deputy was not necessary, and accordingly Mahomed Reza Khân was removed from his office.

However, lest any one should so far mistrust their understanding as to conceive them the dupes of this pretext, they who had disobeyed the Company's orders under color that *no deputy was necessary* immediately appoint another deputy. This independent prince, who, as Mr. Hastings said, "had an incon-

testable right to his situation, and that it was his by inheritance," suddenly shrunk into his old state of insignificance, and was even looked upon in so low a light as to receive a severe reprimand from Mr. Hastings for *interposing* in the duties of his (the deputy's) office.

The Company's orders, censuring this transaction in the strongest terms, and ordering Mahomed Reza Khân to be immediately restored to the office of Naib Subahdar, were received in Calcutta in November, 1779. Mr. Hastings acted on this with the firmness which he had shown on other occasions; but in his principles he went further. Thinking himself assured of some extraordinary support, suitable to the open and determined defiance with which he was resolved to oppose the lawful authority of his superiors, and to exercise a despotic power, he no longer adhered to Mr. Barwell's distinction of the orders which had a tendency to bring his government into disrepute. This distinction afforded sufficient latitude to disobedience; but here he disdained all sorts of colors and distinctions. He directly set up an independent right to administer the government according to his pleasure; and he went so far as to bottom his claim to act independently of the Court of Directors on the very statute which commanded his obedience to them.

He declared roundly, "that he should *not* yield to the authority of the Court of Directors in *any* instance in which it should require his concession of the rights which he held under an act of Parliament." It is too clear to stand in need of proof, that he neither did or could hold any authority that was not subject, in every particle of it, and in every instance in which it could be exercised, to the orders of the Court of Directors.

He therefore refused to back the Company's orders with any requisition from himself to the Nabob, but merely suffered them to be transmitted to him, leaving it to him to do just as he thought proper. The Nabob, who called Mr. Hastings "his patron, and declared he would never do anything without his consent and approbation," perfectly understood this kind of signification. For the second time the Nabob recovered from his trance of pageantry and insignificance, and collected courage enough to write to the Council in these terms: "I administer the affairs of the Nizamut, (the government,) which are the affairs of *my own family*, by *my own authority*, and shall do so; and I never can *on any account agree* to the appointment of the Nabob Mahomed Reza Khân to the Naib Subahship." Here was a second independent power in Bengal. This answer from that power proved as satisfactory as it was resolute. No further notice was taken of the orders of the Court of Directors, and Mahomed Reza Khân found their protection much more of a shadow than the pageant of power of which he aspired to be the representative.

This act of disobedience differs from the others in one particular which, in the opinion of your Committee, rather aggravates than extenuates the offence. In the others, Messrs. Hastings and Barwell took the responsibility on themselves; here they held up the pretext of the country government. However, they obtained thereby one of the objects which they appear to have systematically pursued. As they had in the other instances shown to the British servants of the Company that the Directors were not able to protect them, here the same lesson was taught to the natives. Whilst the matter lay between the native power and

the servants, the former was considered by Mr. Hastings in the most contemptible light. When the question was between the servants and the Court of Directors, the native power was asserted to be a self-derived, hereditary, uncontrollable authority, and encouraged to act as such.

In this manner the authority of the British legislature was at that time treated with every mark of reprobation and contempt. But soon after a most unexpected change took place, by which the persons in whose favor the Court of Directors had in vain interposed obtained specific objects which had been refused to them; things were, however, so well contrived, that legal authority was nearly as much affronted by the apparent compliance with their orders as by the real resistance they had before met with. After long and violent controversies, an agreement took place between Mr. Hastings and Mr. Francis. It appears that Mr. Hastings, embarrassed with the complicated wars and ruinous expenses into which his measures had brought him, began to think of procuring peace at home. The agreement originated in a conversation held on Christmas-Day, 1779, between Major Scott, then aide-de-camp, and now agent, to Mr. Hastings, and Mr. Ducarrel, a gentleman high in the Company's service at Calcutta. Mr. Scott, in consequence of this conversation, was authorized to make overtures to Mr. Francis through Mr. Ducarrel: to declare Mr. Hastings tired of controversy; expressing his wish to have the Mahratta war entirely left to him; that there were certain points *he could not give up;* that he could *not* (for reasons he then assigned) *submit* to the restoration of Mr. Fowke, Mahomed Reza Khân, and Mr. Bristow; that *he had not the*

smallest personal objection to them, and would willingly provide for them in any other line. Mr. Francis in this treaty insisted on those very points which Mr. Hastings declared he could never give up, and that his conditions were the Company's orders, — that is, the restoration of the persons whom they had directed to be restored. The event of this negotiation was, that Mr. Hastings at length submitted to Mr. Francis, and that Mr. Fowke and Mahomed Reza Khân were reinstated in their situations.

Your Committee observe on this part of the transaction of Mr. Hastings, that as long as the question stood upon his obedience to his lawful superiors, so long he considered the restoration of these persons as a gross indignity, the submitting to which would destroy all his credit and influence in the country; but when it was to accommodate his own occasions in a treaty with a fellow-servant, all these difficulties instantly vanish, and he finds it perfectly consistent with his dignity, credit, and influence, to do for Mr. Francis what he had refused to the strict and reiterated injunctions of the Court of Directors. Tranquillity was, however, for a time restored by this measure, though it did not continue long. In about three months an occasion occurred in which Mr. Francis gave some opposition to a measure proposed by Mr. Hastings, which brought on a duel, upon the mischievous effects of which your Committee have already made their observations.

The departure of Mr. Francis soon after for Europe opened a new scene, and gave rise to a third revolution. Lest the arrangement with the servants of the Company should have the least appearance of being mistaken for obedience to their superiors, Mr.

Francis was little more than a month gone, when Mr. Fowke was again recalled from Benares, *and Mr. Bristow soon after from Oude.* In these measures Mr. Hastings has combined the principles of disobedience which he had used in all the cases hitherto stated. In his Minute of Consultation on this recall he refers to his former Minutes; and he adds, that he has "a recent motive in the necessity of removing any circumstance which may contribute to lessen his *influence* in the effect of any negotiations in which he may be engaged in the prosecution of his intended visit to Lucknow." He here reverts to his old plea of preserving his influence; not content with this, as in the case of Mahomed Reza Khân he had called in the aid of the Nabob of Bengal, he here calls in the aid of the Nabob of Oude, who, on reasons exactly tallying with those given by Mr. Hastings, desires that Mr. Bristow may be removed. The true weight of these requisitions will appear, if not sufficiently apparent from the known situation of the parties, by the following extract of a letter from this Nabob of Oude to his agent at Calcutta, desiring him to acquaint Mr. Hastings, that, "if it is proper, I will write to the king [of Great Britain], and the vizier [one of his Majesty's ministers], and the chief of the Company, *in such a manner as he shall direct, and in the words that he shall order*, that Mr. Bristow's views may be thwarted there." There is no doubt of the entire coöperation of the Nabob Asoph ul Dowlah in all the designs of Mr. Hastings, and in thwarting the views of any persons who place their reliance on the authority of this kingdom.

As usual, the Court of Directors appear in their proper order in the procession. After this third act

of disobedience with regard to the same person and the same office, and after calling the proceedings unwarrantable, "*in order to vindicate and uphold their own authority, and thinking it a duty incumbent on them to maintain the authority of the Court of Directors,*" they again order Mr. Bristow to be reinstated, and Mr. Middleton to be recalled: in this circle the whole moves with great regularity.

The extraordinary operations of Mr. Hastings, that soon after followed in every department which was the subject of all these acts of disobedience, have made them appear in a light peculiarly unpropitious to his cause. It is but too probable, from his own accounts, that he meditated some strong measure, both at Benares and at Oude, at the very time of the removal of those officers. He declares he knew that his conduct in those places was such as to lie very open to malicious representations; he must have been sensible that he was open to such representations from the beginning; he was therefore impelled by every motive which ought to influence a man of sense by no means to disturb the order which he had last established.

Of this, however, he took no care; but he was not so inattentive to the satisfaction of the sufferers, either in point of honor or of interest. This was most strongly marked in the case of Mr. Fowke. His reparation to that gentleman, in point of honor, is as full as possible. Mr. Hastings "declared, that he approved his character and his conduct in office, and believed that he might *depend* upon *his exact and literal obedience and fidelity* in the execution of the functions annexed to it." Such is the character of the man whom Mr. Hastings a second time removed from

the office to which he told the Court of Directors, in his letter of the 3rd of March, 1780, he had appointed him in conformity to their orders. On the 14th of January, 1781, he again finds it an indispensable obligation in him to exercise powers "*inherent* in the constitution of his government." On this principle he claimed "the right of nominating the agent of his own choice to the Residence of Benares; that it is a representative situation: that, speaking for myself *alone*, it may be *sufficient* to say, that Mr. Francis Fowke is not *my* agent; *that I cannot give him my confidence;* that, while he continues at Benares, he stands as a screen between the Rajah and this government, instead of an instrument of control; that the Rajah himself, and every chief in Hindostan, will regard it as the pledge and foundation of his independence." Here Mr. Hastings has got back to his old principles, where he takes post as on strong ground. This he declares "to be his objection to Mr. Fowke, and that it is insuperable." The very line before this paragraph he writes of this person, to whom he *could* not give his *confidence*, that "he believed he might *depend* upon *his fidelity*, and his exact and literal obedience." Mr. Scott, who is authorized to defend Mr. Hastings, supported the same principles before your Committee by a comparison that avowedly reduces the Court of Directors to the state of a party against their servants. He declared, that, in his opinion, "it would be just *as absurd* to *deprive him* of the power of nominating his ambassador at Benares as it would be to force on *the ministry* of this country an ambassador from *the opposition.*" Such is the opinion entertained in Bengal, and that but too effectually realized, of the relation between the principal servants of the Company and the Court of Directors.

So far the reparation, in point of honor, to Mr. Fowke was complete. The reparation in point of interest your Committee do not find to have been equally satisfactory; but they do find it to be of the most extraordinary nature, and of the most mischievous example. Mr. Fowke had been deprived of a place of rank and honor,—the place of a public *Vackeel*, or representative. The recompense provided for him is a succession to a contract. Mr. Hastings moved, that, on the expiration of Colonel Morgan's contract, he should be appointed agent to all the boats employed for the military service of that establishment, with a commission of *fifteen per cent on all disbursements in that office*,—permitting Mr. Fowke, at the same time, to draw his allowance of an hundred pounds a month, as Resident, until the expiration of the contract, and for three months after.

Mr. Hastings is himself struck, as every one must be, with so extraordinary a proceeding, the principle of which, he observes, "is liable to *one* material objection." That one is material indeed; for, no limit being laid down for the expense in which the percentage is to arise, it is the direct interest of the person employed to make his department as expensive as possible. To this Mr. Hastings answers, that "he is convinced by experience it will be better performed"; and yet he immediately after subjoins, "This *defect* can *only* be corrected by the probity of the person intrusted with so important a charge; and I am willing to have it understood, as a proof of *the confidence I repose in Mr. Fowke*, that I have proposed his appointment, in opposition *to a general principle*, to a trust so constituted."

In the beginning of this very Minute of Consulta-

tion, Mr. Hastings removes Mr. Fowke from the Residency of Benares because "he cannot give him his confidence"; and yet, before the pen is out of his hand, he violates one of the soundest general principles in the whole system of dealing, in order to give a proof of the confidence he reposes in that gentleman. This apparent gross contradiction is to be reconciled but by one way, — which is, that confidence with Mr. Hastings comes and goes with his opposition to legal authority. Where that authority recommends any person, his confidence in him vanishes; but to show that it is the authority, and not the person, he opposes, when that is out of sight, there is no rule so sacred which is not to be violated to manifest his real esteem and perfect trust in the person whom he has rejected. However, by overturning general principles to compliment Mr. Fowke's integrity, he does all in his power to corrupt it; at the same time he establishes an example that must either subject all future dealings to the same pernicious clause, or which, being omitted, must become a strong implied charge on the integrity of those who shall hereafter be excluded from a trust so constituted.

It is not foreign to the object of your Committee, in this part of their observations, which relates to the obedience to orders, to remark upon the manner in which the orders of the Court of Directors with regard to this kind of dealing in contracts are observed. These orders relate to contracts; and they contain two standing regulations.

1st, That all contracts shall be publicly advertised, and that the most reasonable proposals shall be accepted.

2ndly, That two contracts, those of provisions and for carriage bullocks, shall be only annual.

These orders are undoubtedly some correctives to the abuses which may arise in this very critical article of public dealing. But the House will remark, that, if the business usually carried on by contracts can be converted at pleasure into agencies, like that of Mr. Fowke, all these regulations perish of course, and there is no direction whatsoever for restraining the most prodigal and corrupt bargains for the public.

Your Committee have inquired into the observance of these necessary regulations, and they find that they have, like the rest, been entirely contemned, and contemned with entire impunity. After the period of Colonel Monson's death, and Mr. Hastings and Mr. Barwell obtaining the lead in the Council, the contracts were disposed of without at all advertising for proposals. Those in 1777 were given for three years; and the gentlemen in question growing by habit and encouragement into more boldness, in 1779 the contracts were disposed of for five years: and this they did at the eve of the expiration of their own appointment to the government. This increase in the length of the contracts, though contrary to orders, might have admitted some excuse, if it had been made, even in appearance, the means of lessening the expense. But the advantages allowed to the contractors, instead of being diminished, were enlarged, and in a manner far beyond the proportion of the enlargement of terms. Of this abuse and contempt of orders a judgment may be formed by the single contract for supplying the army with draught and carriage bullocks. As it stood at the expiration of the contract in 1779, the expense of that service was about one thousand three hundred pounds a

month. By the new contract, given away in September of that year, the service was raised to the enormous sum of near six thousand pounds a month. The monthly increase, therefore, being four thousand seven hundred pounds, it constitutes a total increase of charges for the Company, in the five years of the contract, of no less a sum than two hundred and thirty-five thousand pounds. Now, as the former contract was, without doubt, sufficiently advantageous, a judgment may be formed of the extravagance of the present. The terms, indeed, pass the bounds of all allowance for negligence and ignorance of office.

The case of Mr. Belli's contract for supplying provisions to the Fort is of the same description; and what exceedingly increases the suspicion against this profusion, in contracts made in direct violation of orders, is, that they are always found to be given in favor of persons closely connected with Mr. Hastings in his family, or even in his actual service.

The principles upon which Mr. Hastings and Mr. Barwell justify this disobedience, if admitted, reduce the Company's government, so far as it regards the Supreme Council, to a mere patronage,—to a mere power of nominating persons to or removing them from an authority which is not only despotic with regard to those who are subordinate to it, but in all its acts entirely independent of the legal power which is nominally superior. These are principles directly leading to the destruction of the Company's government. A correspondent practice being established, (as in this case of contracts, as well as others, it has been,) the means are furnished of effectuating this purpose: for the common superior, the Company,

having no power to regulate or to support their own appointments, nor to remove those whom they wish to remove, nor to prevent the contracts from being made use of against their interest, all the English in Bengal must naturally look to the next in authority; they must depend upon, follow, and attach themselves to him solely; and thus a party may be formed of the whole system of civil and military servants for the support of the subordinate, and defiance of the supreme power.

Your Committee being led to attend to the abuse of contracts, which are given upon principles fatal to the subordination of the service, and in defiance of orders, revert to the disobedience of orders in the case of Mahomed Reza Khân.

This transaction is of a piece with those that preceded it. On the 6th of July, 1781, Mr. Hastings announced to the board the arrival of a messenger and introduced a requisition from the young Nabob Mobarek ul Dowlah, "that he might be *permitted to dispose of his own stipend, without being made to depend on the will of another.*" In favor of this requisition Mr. Hastings urged various arguments: — that the Nabob could no longer be deemed a minor; — that he was twenty-six years of age, and father of many children; — that his understanding was much improved *of late* by an attention to his education; — that these circumstances gave him a claim to the uncontrolled exercise of domestic authority; and it might reasonably be supposed that he would pay a greater regard to a just economy in his own family than had been observed by those who were aliens to it. For these reasons Mr. Hastings recommended to the board that Mahomed Reza Khân should be im-

mediately divested of the office of superintendent of the Nabob's household, *and that the Nabob Mobarek ul Dowlah should be intrusted with the exclusive and entire receipts and disbursements of his stipend, and the uncontrolled management and regulation of his household.* Thus far your Committee are of opinion that the conclusion corresponds with the premises; for, supposing the fact to be established or admitted, that the Nabob, in point of age, capacity, and judgment, was qualified to act for himself, it seems reasonable that the management of his domestic affairs should not be withheld from him. On this part of the proceeding your Committee will only observe, that, if it were strictly true that the Nabob's understanding had been much improved *of late* by an attention to his education, (which seems an extraordinary way of describing the qualifications of a man of six-and-twenty, the father of many children,) the merit of such improvement must be attributed to Mahomed Reza Khân, who was the only person of rank and character connected with him, or who could be supposed to have any influence over him. Mr. Hastings himself reproaches the Nabob with *raising mean men to be his companions*, and tells him plainly, *that some persons, both of bad character and base origin, had found the means of insinuating themselves into his company and constant fellowship.* In such society it is not likely that either the Nabob's morals or his understanding could have been *much improved;* nor could it be deemed prudent to leave him without any check upon his conduct. Mr. Hastings's opinion on this point may be collected from what he did, but by no means from what he said, on the occasion.

The House will naturally expect to find that the

Nabob's request was granted, and that the resolution of the board was conformable to the terms of Mr. Hastings's recommendation. Yet the fact is directly the reverse. Mr. Hastings, after advising *that the Nabob should be intrusted with the exclusive and entire receipts and disbursements of his stipend*, immediately corrects that advice, *being aware that so sudden and unlimited a disposal of a large revenue might at first encourage a spirit of dissipation in the Nabob*, — and reserves to *himself* a power of establishing, *with the Nabob's consent*, such a plan for the regulation and equal distribution of the Nabob's expenses *as should be adapted to the dissimilar appearances of preserving his interests and his independence at the same time.* On the same complicated principles the subsequent resolution of the board professes to allow the Nabob the management of his stipend and expenses, — with *an hope*, however, (which, considering the relative situation of the parties, could be nothing less than an injunction,) that he would submit to such a plan *as should be agreed on between him* and the Governor-General.

The drift of these contradictions is sufficiently apparent. Mahomed Reza Khân was to be divested of his office at all events, and the management of the Nabob's stipend committed to other hands. To accomplish the first, the Nabob is said to be "now arrived at that time of life when a man may be supposed capable, *if ever*, of managing his own concerns." When this principle has answered the momentary purpose for which it was produced, we find it immediately discarded, and an opposite resolution formed on an opposite principle, viz., that he shall *not* have the management of his own concerns, *in consideration of his want of experience.*

Mr. Hastings, on his arrival at Moorshedabad, gives Mr. Wheler an account of his interview with the Nabob, and of the Nabob's implicit submission to his advice. The principal, if not the sole, object of the whole operation appears from the result of it. Sir John D'Oyly, a gentleman in whom Mr. Hastings places particular confidence, succeeds to the office of Mahomed Reza Khân, and to the same control over the Nabob's expenses. Into the hands of this gentleman the Nabob's stipend was *to be immediately paid, as every intermediate channel would be an unavoidable cause of delay;* and to *his* advice the Nabob was required to give the same attention as if it were given by Mr. Hastings himself. One of the conditions prescribed to the Nabob was, that he should admit no Englishman to his presence without previously consulting Sir John D'Oyly; *and he must forbid any person of that nation to be intruded without his introduction.* On these arrangements it need only be observed, that a measure which sets out with professing to relieve the Nabob from a state of *perpetual pupilage* concludes with delivering not only his fortune, but his person, to the custody of a particular friend of Mr. Hastings.

The instructions given to the Nabob contain other passages that merit attention. In one place Mr. Hastings tells him, "You have offered to give up the sum of four lacs of rupees to be allowed the free use of the remainder; but this we have refused." In another he says, that, "*as many matters will occur which cannot be so easily explained by letter as by conversation*, I desire that you will on such occasions give your orders to Sir John D'Oyly respecting such points as you may desire to have imparted to *me*." The

offer alluded to in the first passage does not appear in the Nabob's letters, therefore must have been in conversation, and declined by Mr. Hastings without consulting his colleague. A refusal of it might have been proper; but it supposes a degree of incapacity in the Nabob not to be reconciled to the principles on which Mahomed Reza Khân was removed from the management of his affairs. Of the matters alluded to in the second, and which, it is said, *could not be so easily explained by letters as in conversation*, no explanation is given. Your Committee will therefore leave them, as Mr. Hastings has done, to the opinion of the House.

As soon as the Nabob's requisition was communicated to the board, it was moved and resolved that Mahomed Reza Khân should be divested of his office; and the House have seen in what manner it was disposed of. The Nabob had stated various complaints against him: — that he had dismissed the old established servants of the Nizamut, and filled their places with his own dependants; — that he had *regularly received* the stipend of the Nizamut from the Company, yet had kept the Nabob involved in debt and distress, and exposed to the clamors of his creditors, and sometimes even in want of a dinner. All these complaints were recorded at large in the proceedings of the Council; but it does not appear that they were ever communicated to Mahomed Reza Khân, or that he was ever called upon, in any shape, to answer them. This circumstance inclines your Committee to believe that all of these charges were groundless, — especially as it appears on the face of the proceedings, that the chief of them were not well founded. Mr. Hastings, in his letter to Mr. Wheler, urges the

absolute necessity of the monthly payment of the Nabob's stipend *being regularly made*, and says, that, to relieve the Nabob's present wants, he had directed the Resident to raise an immediate supply on the credit of the Company, to be repaid from the first receipts. From hence your Committee conclude that the monthly payments had *not* been regularly made, and that whatever distresses the Nabob might have suffered must have been owing to the Governor-General and Council, not to Mahomed Reza Khân, who, for aught that appears to the contrary, paid away the stipend as fast as he received it. Had it been otherwise, that is, if Mahomed Reza Khân had reserved a balance of the Nabob's money in his hands, he should, and undoubtedly he would, have been called upon to pay it in; and then there would have been no necessity for raising an immediate supply by other means.

The transaction, on the whole, speaks very sufficiently for itself. It is a gross instance of repeated disobedience to repeated orders; and it is rendered particularly offensive to the authority of the Court of Directors by the frivolous and contradictory reasons assigned for it. But whether the Nabob's requisition was reasonable or not, the Governor-General and Council were precluded by a special instruction from complying with it. The Directors, in their letter of the 14th of February, 1779, declare, that a resolution of Council, (taken by Mr. Francis and Mr. Wheler, in the absence of Mr. Barwell,) viz., "that the Nabob's letter should be referred to *them* for *their* decision, and that no resolution should be taken in Bengal on his requisitions without their special orders and instructions," was very proper. They prudently reserved to themselves the right of

deciding on such questions; but they reserved it to no purpose. In England the authority is purely formal. In Bengal the power is positive and real. When they clash, their opposition serves only to degrade the authority that ought to predominate, and to exalt the power that ought to be dependent.

Since the closing of the above Report, many material papers have arrived from India, and have been laid before your Committee. That which they think it most immediately necessary to annex to the Appendix to this Report is the resolution of the Council-General to allow to the members of the Board of Trade resident in Calcutta a charge of five per cent on the sale in England of the investment formed upon their second plan, namely, that plan which had been communicated to Lord Macartney. The investment on this plan is stated to be raised from 800,000*l* to 1,000,000*l*. sterling.

It is on all accounts a very memorable transaction, and tends to bring on a heavy burden, operating in the nature of a tax laid by their own authority on the goods of their masters in England. If such a compensation to the Board of Trade was necessary on account of their engagement to take no further (that is to say, no unlawful) emolument, it implies that the practice of making such unlawful emolument had formerly existed; and your Committee think it very extraordinary that the first notice the Company had received of such a practice should be in taxing them for a compensation for a partial abolition of it, secured on the parole of honor of those very persons who are supposed to have been guilty of this unjustifiable conduct. Your Committee consider this

engagement, if kept, as only a partial abolition of the implied corrupt practice: because no part of the compensation is given to the members of the Board of Trade who reside at the several factories, though their means of abuse are without all comparison greater; and if the corruption was supposed so extensive as to be bought off at that price where the means were fewer, the House will judge how far the tax has purchased off the evil.

ELEVENTH REPORT

OF THE

SELECT COMMITTEE OF THE HOUSE OF COMMONS

ON

THE AFFAIRS OF INDIA.

WITH EXTRACTS FROM THE APPENDIX.

NOVEMBER 18, 1783.

ELEVENTH REPORT

From the SELECT COMMITTEE appointed to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House, with their observations thereupon; and who were instructed to consider how the British possessions in the East Indies may be held and governed with the greatest security and advantage to this country, and by what means the happiness of the native inhabitants may be best protected.

YOUR Committee, in the course of their inquiry into the obedience yielded by the Company's servants to the orders of the Court of Directors, (the authority of which orders had been strengthened by the Regulating Act of 1773,) could not overlook one of the most essential objects of that act and of those orders, namely, *the taking of gifts and presents.* These pretended free gifts from the natives to the Company's servants in power had never been authorized by law; they are contrary to the covenants formerly entered into by the President and Council; they are strictly forbidden by the act of Parliament, and forbidden upon grounds of the most substantial policy.

Before the Regulating Act of 1773, the allowances made by the Company to the Presidents of Bengal were abundantly sufficient to guaranty them against

anything like a necessity for giving into that pernicious practice. The act of Parliament which appointed a Governor-General in the place of a President, as it was extremely particular in enforcing the prohibition of those presents, so it was equally careful in making an ample provision for supporting the dignity of the office, in order to remove all excuse for a corrupt increase of its emoluments.

Although evidence on record, as well as verbal testimony, has appeared before your Committee of presents to a large amount having been received by Mr. Hastings and others before the year 1775, they were not able to find distinct traces of that practice in him or any one else for a few years.

The inquiries set on foot in Bengal, by order of the Court of Directors, in 1775, with regard to all corrupt practices, and the vigor with which they were for some time pursued, might have given a temporary check to the receipt of presents, or might have produced a more effectual concealment of them, and afterwards the calamities which befell almost all who were concerned in the first discoveries did probably prevent any further complaint upon the subject; but towards the close of the last session your Committee have received much of new and alarming information concerning that abuse.

The first traces appeared, though faintly and obscurely, in a letter to the Court of Directors from the Governor-General, Mr. Hastings, written on the 29th of November, 1780.* It has been stated in a former Report of your Committee,† that on the 26th of June, 1780, Mr. Hastings being very earnest in the prose-

* Appendix B. No. 1.

† Vide Supplement to the Second Report, page 7.

cution of a particular operation in the Mahratta war, in order to remove objections to that measure, which were made on account of the expense of the contingencies, he offered to *exonerate* the Company from that "charge." Continuing his Minute of Council, he says, "That sum" (a sum of about 23,000*l.*) "I have already deposited, within a small amount, in the hands of the sub-treasurer; and I *beg* that the board will *permit* it to be accepted for that service." Here he offers in his own person; he deposits, or pretends that he deposits, in his own person; and, with the zeal of a man eager to pledge his private fortune in support of his measures, he prays that his offer may be accepted. Not the least hint that he was delivering back to the Company money of their own, which he had secreted from them. Indeed, no man ever made it a request, much less earnestly entreated, "begged to be permitted," to pay to any persons, public or private, money that was their own.

It appeared to your Committee that the money offered for that service, which was to forward the operations of a detachment under Colonel Camac in an expedition against one of the Mahratta chiefs, was not accepted. And your Committee, having directed search to be made for any sums of money paid into the Treasury by Mr. Hastings for this service, found, that, notwithstanding his assertion of having deposited "two lacs of rupees, or within a trifle of that sum, in the hands of the sub-treasurer," no entry whatsoever of that or any other payment by the Governor-General was made in the Treasury accounts at or about that time.* This circumstance appeared very striking to your Committee, as the non-appear-

* Appendix B. No. 2.

ance in the Company's books of the article in question must be owing to one or other of these four causes: — That the assertion of Mr. Hastings, of his having paid in near two lacs of rupees at that time, was not true; or that the sub-treasurer may receive great sums in deposit without entering them in the Company's Treasury accounts; or that the Treasury books themselves are records not to be depended on; or, lastly, that faithful copies of these books of accounts are not transmitted to Europe. The defect of an entry corresponding with Mr. Hastings's declaration in Council can be attributed only to one of these four causes, — of which the want of foundation in his recorded assertion, though very blamable, is the least alarming.

On the 29th of November following, Mr. Hastings communicated to the Court of Directors some sort of notice of this transaction.* In his letter of that date he varies in no small degree the aspect under which the business appeared in his Minute of Consultation of the 26th of June. In his letter he says to the Directors, "The subject is now become obsolete; the fair hopes which I had built upon the prosecution of the Mahratta war have been blasted by the dreadful calamities which have befallen your Presidency of Fort St. George, and changed the object of our pursuit from the *aggrandizement* of your power to its preservation." After thus confessing, or rather boasting, of his motives to the Mahratta war, he proceeds: "My present reason for reverting to my own conduct on the occasion which I have mentioned" (namely, his offering a sum of money for the Company's service) "is to obviate *the false conclusions or purposed*

* Vide Appendix B. No. 1.

misrepresentations which may be made of it, either as an artifice of *ostentation* or the effect of *corrupt influence*, by assuring you that the money, *by whatever means it came into my possession, was not my own*, that I had myself *no right* to it, nor would or could have received it but for the occasion which prompted me to avail myself *of the accidental means* which were at that instant afforded me of accepting and converting it to the property and use of the Company: and with this brief apology I shall dismiss the subject."

The apology is brief indeed, considering the nature of the transaction; and what is more material than its length or its shortness, it is in all points unsatisfactory. The matter becomes, if possible, more obscure by his explanation. Here was money received by Mr. Hastings, which, according to his own judgment, he had no right to receive; it was money which, "but for the occasion that prompted him, he could not have accepted"; it was money which came into his, and from his into the Company's hands, by ways and means undescribed, and from persons unnamed: yet, though apprehensive of false conclusions and purposed misrepresentations, he gives his employers no insight whatsoever into a matter which of all others stood in the greatest need of a full and clear elucidation.

Although he chooses to omit this essential point, he expresses the most anxious solicitude to clear himself of the charges that might be made against him, of the artifices of ostentation, and of corrupt influence. To discover, if possible, the ground for apprehending such imputations, your Committee adverted to the circumstances in which he stood at the

time: they found that this letter was dispatched about the time that Mr. Francis took his passage for England; his fear of misrepresentation may therefore allude to something which passed in conversation between him and that gentleman at the time the offer was made.

It was not easy, on the mere face of his offer, to give an ill turn to it. The act, as it stands on the Minute, is not only disinterested, but generous and public-spirited. If Mr. Hastings apprehended misrepresentation from Mr. Francis, or from any other person, your Committee conceive that he did not employ proper means for defeating the ill designs of his adversaries. On the contrary, the course he has taken in his letter to the Court of Directors is calculated to excite doubts and suspicions in minds the most favorably disposed to him. Some degree of ostentation is not extremely blamable at a time when a man advances largely from his private fortune towards the public service. It is human infirmity at the worst, and only detracts something from the lustre of an action in itself meritorious. The kind of ostentation which is criminal, and criminal only because it is fraudulent, is where a person makes a show of giving when in reality he does not give. This imposition is criminal more or less according to the circumstances. But if the money received to furnish such a pretended gift is taken from any third person without right to take it, a new guilt, and guilt of a much worse quality and description, is incurred. The Governor-General, in order to keep clear of ostentation, on the 29th of November, 1780, declares, that the sum of money which he offered on the 26th of the preceding June as his own was not his own, and that he had no right

to it. Clearing himself of vanity, he convicts himself of deceit, and of injustice.

The other object of this brief apology was to clear himself of *corrupt influence*. Of all ostentation he stands completely acquitted in the month of November, however he might have been faulty in that respect in the month of June; but with regard to the other part of the apprehended charge, namely, *corrupt influence*, he gives no satisfactory solution. A great sum of money "not his own," — money to which "he had no right," — money which came into his possession "by whatever means": — if this be not money obtained by corrupt influence, or by something worse, that is, by violence or terror, it will be difficult to fix upon circumstances which can furnish a presumption of unjustifiable use of power and influence in the acquisition of profit. The last part of the apology, that he had converted this money ("which he had no right to receive") to the Company's use, so far as your Committee can discover, *does nowhere appear*. He speaks, in the Minute of the 26th of June, as having *then* actually deposited it for the Company's service; in the letter of November he says that he converted it to the Company's property: but there is no trace in the Company's books of its being ever brought to their credit in the expenditure for any specific service, even if any such entry and expenditure could justify him in taking money which he had, by his own confession, "no right to receive."

The Directors appear to have been deceived by this representation, and in their letter of January, 1782,* consider the money as actually paid into their Treasury. Even under their error concerning the appli-

* Appendix B. No. 7.

cation of the money, they appear rather alarmed than satisfied with the brief apology of the Governor-General. They consider the whole proceeding as *extraordinary and mysterious*. They, however, do not condemn it with any remarkable asperity; after admitting that he might be induced to a temporary secrecy *respecting the members of the board*, from a fear of their resisting the proposed application, or any application of this money to the Company's use, yet they write to the Governor-General and Council as follows: — "It does not appear to us that there could be any real necessity for delaying to communicate to *us* immediate information of the *channel* by which the money came into Mr. Hastings's possession, with a complete illustration of the cause or causes of so *extraordinary* an event." And again: "The means proposed of defraying the extra expenses are very *extraordinary;* and the money, we conceive, must have come into his hands by an *unusual* channel; and when more complete information comes before us, we shall give our sentiments fully on the transaction." And speaking of this and other moneys under a similar description, they say, "We shall suspend our judgment, without approving it in the least degree, or proceeding to censure our Governor-General for this transaction." The expectations entertained by the Directors of a more complete explanation were natural, and their expression tender and temperate. But the more complete information which they naturally expected they never have to this day received.

Mr. Hastings wrote two more letters to the Secret Committee of the Court of Directors, in which he mentions this transaction: the first dated (as he asserts,

and a Mr. Larkins swears) on the 22d of May, 1782;* the last, which accompanied it, so late as the 16th of December in the same year.† Though so long an interval lay between the transaction of the 26th of June, 1780, and the middle of December, 1782, (upwards of two years,) no further satisfaction is given. He has written, since the receipt of the above letter of the Court of Directors, (which demanded, what they had a right to demand, a clear explanation of the particulars of this sum of money which he had no right to receive,) without giving them any further satisfaction. Instead of explanation or apology, he assumes a tone of complaint and reproach to the Directors: he lays before them a kind of an account of presents received, to the amount of upwards of 200,000*l.*, — some at a considerable distance of time, and which had not been hitherto communicated to the Company.

In the letter which accompanied that very extraordinary account, which then for the first time appeared, he discovers no small solicitude to clear himself from the imputation of having these discoveries drawn from him by the terrors of the Parliamentary inquiries then on foot. To remove all suspicion of such a motive for making these discoveries, Mr. Larkins swears, in an affidavit made before Mr. Justice Hyde, bearing even date with the letter which accompanies the account, that is, of the 16th of December, 1782, that this letter had been written by him on the 22d of May, several months before it was dispatched.‡ It appears that Mr. Larkins, who makes this voluntary affidavit, is neither secretary to the board, nor

* Appendix B. No. 3 and No. 5. † Appendix B. No 6.

‡ Vide Larkins's Affidavit, Appendix B. No. 5.

Mr. Hastings's private secretary, but an officer of the Treasury of Bengal.

Mr. Hastings was conscious that a question would inevitably arise, how he came to delay the sending intelligence of so very interesting a nature from May to December. He therefore thinks it necessary to account for so suspicious a circumstance. He tells the Directors, "that the dispatch of the 'Lively' having been protracted from time to time, the accompanying address, which was originally designed and prepared for that dispatch, *and no other since occurring*, has of course been thus long delayed."

The Governor-General's letter is dated the 22d May, and the "Resolution" was the last ship of the season dispatched for Europe. The public letters to the Directors are dated the 9th May; but it appears by the letter of the commander of the ship that he did not receive his dispatches from Mr. Lloyd, then at Kedgeree, until the 26th May, and also that the pilot was not discharged from the ship until the 11th June. Some of these presents (now for the first time acknowledged) had been received eighteen months preceding the date of this letter, — none less than four months; so that, in fact, he might have sent this account by all the ships of that season; but the Governor-General chose to write this letter thirteen days after the determination in Council for the dispatch of the last ship.

It does not appear that he has given any communication whatsoever to his colleagues in office of those extraordinary transactions. Nothing appears on the records of the Council of the receipt of the presents; nor is the transmission of this account mentioned in the general letter to the Court of Directors, but in a

letter from himself to their Secret Committee, consisting generally of two persons, but at most of three. It is to be observed that the Governor-General states, "that the dispatch of the 'Lively' had been protracted from time to time; that this delay was of no public consequence; but that it produced a situation which with respect to himself he regarded as unfortunate, because it exposed him to the meanest imputations, from the occasion which the late Parliamentary inquiries have since furnished, but which were unknown when his letter was written." If the Governor-General thought his silence exposed him to the *meanest imputations*, he had the means in his own power of avoiding those imputations: he might have sent this letter, dated the 22d May, by the Resolution. For we find, that, in a letter from Captain Poynting, of the 26th May, he states it not possible for him to proceed to sea with the smallest degree of safety without a supply of anchors and cables, and most earnestly requests they may be supplied from Calcutta; and on the 28th May we find a minute from the Secretary of the Council, Mr. Auriol, requesting an order of Council to the master-attendant to furnish a sloop to carry down those cables; which order was accordingly issued on the 30th May. There requires no other proof to show that the Governor-General had the means of sending this letter seven days after he wrote it, instead of delaying it for near seven months, and because no conveyance had offered. Your Committee must also remark, that the conveyance by land to Madras was certain; and whilst such important operations were carrying on, both by sea and land, upon the coast, that dispatches would be sent to the Admiralty or to the Company was highly probable.

If the letter of the 22d May had been found in the list of packets sent by the Resolution, the Governor General would have established in a satisfactory manner, and far beyond the effect of any affidavit, that the letter had been written at the time of the date. It appears that the Resolution, being on her voyage to England, met with so severe a gale of wind as to be obliged to put back to Bengal, and to unload her cargo. This event makes no difference in the state of the transaction. Whatever the cause of these new discoveries might have been, at the time of sending them the fact of the Parliamentary inquiry was publicly known.

In the letter of the above date Mr. Hastings laments the mortification of being reduced to take precautions "to guard his reputation from dishonor." —"If I had," says he, "*at any time* possessed that degree of confidence from my *immediate* employers which they have never withheld from the *meanest* of my predecessors, I should have disdained to use these attentions."

Who the *meanest* of Mr. Hastings's predecessors were does not appear to your Committee; nor are they able to discern the ground of propriety or decency for his assuming to himself a right to call any of them mean persons. But if such mean persons have possessed that degree of confidence from his immediate employers which for so many years he had not possessed "*at any time*," inferences must be drawn from thence very unfavorable to one or the other of the parties, or perhaps to both. The attentions which he practises and disdains can in this case be of no service to himself, his employers, or the public; the only attention at all effectual towards extenuating,

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or in some degree atoning for, the guilt of having taken money from individuals illegally was to be full and fair in his confession of all the particulars of his offence. This might not obtain that confidence which at no time he has enjoyed, but still the Company and the nation might derive essential benefit from it; the Directors might be able to afford redress to the sufferers; and by his laying open the concealed channels of abuse, means might be furnished for the better discovery, and possibly for the prevention, or at least for the restraint, of a practice of the most dangerous nature, — a practice of which the mere prohibition, without the means of detection, must ever prove, as hitherto it had proved, altogether frivolous.

Your Committee, considering that so long a time had elapsed without any of that information which the Directors expected, and perceiving that this receipt of sums of money under color of gift seemed a growing evil, ordered the attendance of Mr. Hastings's agent, Major Scott. They had found, on former occasions, that this gentleman was furnished with much more early and more complete intelligence of the Company's affairs in India than was thought proper for the Court of Directors; they therefore examined him concerning every particular sum of money the receipt of which Mr. Hastings had confessed in his account. It was to their surprise that Mr. Scott professed himself perfectly uninstructed upon almost every part of the subject, though the express object of his mission to England was to clear up such matters as might be objected to Mr. Hastings; and for that purpose he had early qualified himself by the production to your Committee of his powers of agency. The ignorance in which Mr. Hastings had left

his agent was the more striking, because he must have been morally certain, that, if his conduct in these points should have escaped animadversion from the Court of Directors, it must become an object of Parliamentary inquiry; for, in his letter of the 15th [16th?] of December, 1782, to the Court of Directors, he expressly mentions his fears that those Parliamentary inquiries might be thought to have extorted from him the confessions which he had made.

Your Committee, however, entering on a more strict examination concerning the two lacs of rupees, which Mr. Hastings declares he had no right to take, but had taken from some person then unknown, Major Scott recollected that Mr. Hastings had, in a letter of the 7th of December, 1782, (in which he refers to some former letter,) acquainted him with the name of the person from whom he had received these two lacs of rupees, mentioned in the minute of June, 1780. It turned out to be the Rajah of Benares, the unfortunate Cheyt Sing.

In the single instance in which Mr. Scott seemed to possess intelligence in this matter, he is preferred to the Court of Directors. Under their censure as Mr. Hastings was, and as he felt himself to be, for not informing them of the channel in which he received that money, he perseveres obstinately and contemptuously to conceal it from them; though he thought fit to intrust his agent with the secret.

Your Committee were extremely struck with this intelligence. They were totally unacquainted with it, when they presented to the House the Supplement to their Second Report, on the affairs of Cheyt Sing. A gift received by Mr. Hastings from the

Rajah of Benares gave rise in their minds to serious reflections on the condition of the princes of India subjected to the British authority. Mr. Hastings was, at the very time of his receiving this gift, in the course of making on the Rajah of Benares a series of demands, unfounded and unjustifiable, and constantly growing in proportion as they were submitted to. To these demands the Rajah of Benares, besides his objections in point of right, constantly set up a plea of poverty. Presents from persons who hold up poverty as a shield against extortion can scarcely in any case be considered as gratuitous, whether the plea of poverty be true or false. In this case the presents might have been bestowed, if not with an assurance, at least with a rational hope, of some mitigation in the oppressive requisitions that were made by Mr. Hastings; for to give much voluntarily, when it is known that much will be taken away forcibly, is a thing absurd and impossible. On the other [one?] hand, the acceptance of that gift by Mr. Hastings must have pledged a tacit faith for some degree of indulgence towards the donor: if it was a free gift, gratitude, if it was a bargain, justice obliged him to do it. If, on the other hand, Mr. Hastings originally destined (as he says he did) this money, given to himself secretly and for his private emolument, to the use of the Company, the Company's favor, to whom he acted as trustee, ought to have been purchased by it. In honor and justice he bound and pledged himself for that power which was to profit by the gift, and to profit, too, in the success of an expedition which Mr. Hastings thought so necessary to their aggrandizement. The unhappy man found his

money accepted, but no favor acquired on the part either of the Company or of Mr. Hastings.

Your Committee have, in another Report, stated to the House that Mr. Hastings attributed the extremity of distress which the detachments under Colonel Camac had suffered, and the great desertions which ensued on that expedition, to the want of punctuality of the Rajah in making payment of one of the sums which had been extorted from him; and this want of punctual payment was afterwards assigned as a principal reason for the ruin of this prince. Your Committee have shown to the House, by a comparison of facts and dates, that this charge is wholly without foundation. But if the cause of Colonel Camac's failure had been true as to the sum which was the object of the public demand, the failure could not be attributed to the Rajah, when he had on the *instant* privately furnished at least 23,000*l.* to Mr. Hastings, — that is, furnished the identical money which he tells us (but carefully concealing the name of the giver) he had from the beginning destined, as he afterwards publicly offered, for this very expedition of Colonel Camac's. The complication of fraud and cruelty in the transaction admits of few parallels. Mr. Hastings at the Council Board of Bengal displays himself as a zealous servant of the Company, bountifully giving from his own fortune, and in his letter to the Directors (as he says himself) as going out of the ordinary roads for their advantage;* and all this on the credit of supplies derived from the gift of a man whom he treats with the utmost severity, and whom he accuses, in this particular, of disaffection to the Company's cause and interests.

* Vide Appendix B. No. 1.

With 23,000*l.* of the Rajah's money in his pocket, he persecutes him to his destruction, — assigning for a reason, that his reliance on the Rajah's faith, and his breach of it, were the principal causes that *no other* provision was made for the detachment on the specific expedition to which the Rajah's specific money was to be applied. The Rajah had given it to be disposed of by Mr. Hastings; and if it was not disposed of in the best manner for the accomplishing his objects, the accuser himself is the criminal.

To take money for the forbearance of a just demand would have been corrupt only; but to urge unjust public demands, — to accept private pecuniary favors in the course of those demands, — and, on the pretence of delay or refusal, without mercy to persecute a benefactor, — to refuse to hear his remonstrances, — to arrest him in his capital, in his palace, in the face of all the people, — thus to give occasion to an insurrection, and, on pretext of that insurrection, to refuse all treaty or explanation, — to drive him from his government and his country, — to proscribe him in a general amnesty, — and to send him all over India a fugitive, to publish the shame of British government in all the nations to whom he successively fled for refuge, — these are proceedings to which, for the honor of human nature, it is hoped few parallels are to be found in history, and in which the illegality and corruption of the acts form the smallest part of the mischief.

Such is the account of the first sum *confessed* to be taken as a present by Mr. Hastings, since the year 1775; and such are its consequences. Mr. Hastings apologizes for this action by declaring "that he would not have received the money but for the *occasion*,

which prompted him to avail himself of the accidental means which were at that instant afforded him of accepting and converting it to the use of the Company." * By this account, he considers the act as excusable only by the particular occasion, by the temptation of accidental means, and by the suggestion of the *instant*. How far this is the case appears by the very next paragraph of this letter in which the account is given and in which the apology is made. If these were his sentiments in June, 1780, they lasted but a very short time: his accidental means appear to be growing habitual.

To point out in a clear manner the spirit of the second money transaction to which your Committee adverted, which is represented by Mr. Hastings as having some "affinity with the former *anecdote*," † (for in this light kind of phrase he chooses to express himself to his masters,) your Committee think it necessary to state to the House, that the business, namely, this business, which was the second object of their inquiry, appears in three different papers and in three different lights: on comparing of these authorities, in every one of which Mr. Hastings is himself the voucher, if one of the three be true, the other two must necessarily be false.

These three authorities, which your Committee has accurately compared, are, first, his minutes on the Consultations; ‡ secondly, his letter to the Court of Directors on the 29th of November, 1780; § thirdly, his account, transmitted on the 16th of December, 1782.‖

About eight months after the first transaction rela-

* Vide Appendix B. No. 1. † Ibid. ‡ Ibid., No. 8.
§ Ibid., No. 1. ‖ Ibid., No. 4.

tive to Cheyt Sing, and which is just reported, that is, on the 5th of January, 1781, Mr. Hastings produced a demand to the Council for money of his own expended for the Company's service.* Here was no occasion for secrecy. Mr. Francis was on his passage to Europe; Mr. Wheler was alone left, who no longer dissented from anything; Mr. Hastings was in effect himself the whole Council. He declared that *he* had disbursed three lacs of rupees, that is, thirty-four thousand five hundred pounds, in secret services, — which having, he says, "been advanced from *my own private cash*, I request that the same may be repaid to me in the following manner." He accordingly desires three bonds, for a lac of Sicca rupees each, to be given to him in two of the Company's subscriptions, — one to bear interest on the eight per cent loan, the other two in the four per cent: the bonds were antedated to the beginning of the preceding October. On the 9th of the same month, that is, on the 9th of January, 1781, the three bonds were accordingly ordered.† So far the whole transaction appears clear, and of a piece. Private money is subscribed, and a public security is taken for it. When the Company's Treasury accounts ‡ are compared with the proceedings of their Council-General, a perfect correspondence also appears. The three bonds are then [there ?] entered to Mr. Hastings, and he is credited for principal and interest on them, in the exact terms of the order. So far the official accounts, — which, because of their perfect harmony, are considered as clear and consistent evidence to one body of fact.

The second sort of document relative to these bonds (though the first in order of time) is Mr. Hastings's

* Appendix B. No. 8. † Ibid. ‡ Ibid., No. 9.

letter of the 29th of November, 1780.* It is written between the time of the expenditure of the money for the Company's use and the taking of the bonds. Here, for the first time, a very material difference appears; and the difference is the more striking, because Mr. Hastings claimed the *whole* money as his own, and took bonds for it as such, *after* this representation. The letter to the Company discovers that part of the money (the whole of which he had declared on record to be his own, and for which he had taken bonds) was not his, but the property of his masters, from whom he had taken the security. It is no less remarkable that the letter which represents the money as belonging to the Company was written about six weeks before the Minute of Council in which he claims that money as his own. It is this letter on which your Committee is to remark.

Mr. Hastings, after giving his reasons for the application of the three lacs of rupees, and for his having for some time concealed the fact, says, "Two thirds of that sum I have raised *by my own credit*, and shall charge it in my official account; *the other third* I have supplied from the cash in my hands belonging to the Honorable Company." †

The House will observe, that in November he tells the Directors that he shall charge only *two thirds* in his official accounts; in the following January he charges the *whole*.‡ For the other third, although he admitted that to belong to the Company, we have seen that he takes a bond to *himself*.

It is material that he tells the Company in his letter that these two lacs of rupees were *raised on his credit*. His letter to the Council says that they were

* Appendix B. No. 1. † Ibid. ‡ Ibid., No. 8.

advanced from his *private cash*. What he raises on his credit may, on a fair construction, be considered as his own: but in this, too, he fails; for it is certain he has never transferred these bonds to any creditor; nor has he stated any sum he has paid, or for which he stands indebted, on that account, to any specific person. Indeed, it was out of his power; for the first two thirds of the money, which he formerly stated as raised upon his credit, he now confesses to have been from the beginning the Company's property, and therefore could not have been raised on his private credit, or borrowed from any person whatsoever.

To these two accounts, thus essentially varying, he has added a third,* varying at least as essentially from both. In his last or third account, which is a statement of all the sums he has received in an extraordinary manner, and confessed to be the Company's property, he reverses the items of his first account, and, instead of allowing the Company but one third and claiming two thirds for himself, he enters two of the bonds, each for a lac of rupees, as belonging to the Company: of the third bond, which appears so distinctly in the Consultations and in the Treasury accounts, not one word is said; ten thousand pounds is absorbed, sinks, and disappears at once, and no explanation whatsoever concerning it is given; Mr. Hastings seems not yet to have decided to whose account it ought to be placed. In this manner his debt to the Company, or the Company's to him, is just what he thinks fit. In a single article he has varied three times. In one account he states the whole to

* Appendix B. No. 4: The Governor-General's Account of Moneys received, dated 22d May, 1782. Also, Appendix B. No. 9: The Auditor's Account of Bonds granted to the Governor-General.

be his own; in another he claims two thirds; in the last he gives up the claim of the two thirds, and says nothing to the remaining portion.

To make amends, however, for the suppression of this third bond, given with the two others in January, 1781, and antedated to the beginning of October, Mr. Hastings, in the above-mentioned general account subjoined to his letter of the 22d May, 1782, has brought to the Company's credit a new bond.*

This bond is for 17,000*l.* It was taken from the Company (and so it appears on their Treasury accounts) on the 23d of November, 1780. He took no notice of this, when, in January following, he called upon his own Council for the three others. What is more extraordinary, he was equally silent with regard to it, when, only six days after its date, he wrote concerning the subject of the three other bonds to the Court of Directors; yet now it comes out, that that bond also was taken by Mr. Hastings from the Company for money which he declares he had received on the Company's account, and that he entered himself as creditor when he ought to have made himself debtor.

Your Committee examined Major Scott concerning this money, which Mr. Hastings must have obtained in some clandestine and irregular mode; but they could obtain no information of the persons from whom it was taken, nor of the occasion or pretence of taking this large sum; nor does any Minute of Council appear for its application to any service. The whole of the transaction, whatever it was, relative to this bond, is covered with the thickest obscurity.

Mr. Hastings, to palliate the blame of his conduct,

* Vide Appendix B. No. 4.

declares that he has not received any interest on these bonds, — and that he has indorsed them as not belonging to himself, but to the Company.* As to the first part of this allegation, whether he received the interest or let it remain in arrear is a matter of indifference, as he entitled himself to it; and so far as the legal security he has taken goes, he may, whenever he pleases, dispose both of principal and interest. What he has indorsed on the bonds, or when he made the indorsement, or whether in fact he has made it at all, are matters known only to himself; for the bonds must be in his possession, and are nowhere by him stated to be given up or cancelled, — which is a thing very remarkable, when he confesses that he had no right to receive them.

These bonds make but a part of the account of private receipts of money by Mr. Hastings, formerly paid into the Treasury as his own property, and now allowed not to be so. This account brings into view other very remarkable matters of a similar nature and description.†

In the public records, a sum of not less than 23,871*l.* is set to his credit as a *deposit* for his private account, paid in by him into the Treasury in gold, and coined at the Company's mint.‡ This appears in the account furnished to the Directors, under the date of May, 1782, not to be lawfully his money, and he therefore transfers it to the Company's credit: it still remains as a deposit.§

That the House may be apprised of the nature of

* Vide Mr. Hastings's Account, in Appendix B. No. 4.

† Vide Hastings's Account, dated 22d May, 1782, in Appendix B. No. 4.

‡ Vide above Appendix, and B. No. 2. § Vide above Appendix.

this article of deposit, it may not be improper to state that the Company receive into their treasury the cash of private persons, placed there as in a bank. On this no interest is paid, and the party depositing has a right to receive it upon demand. Under this head of account no public money is ever entered. Mr. Hastings, neither at making the deposit as his own, nor at the time of his disclosure of the real proprietor, (which he makes to be the Company,) has given any information of the persons from whom this money had been received. Mr. Scott was applied to by your Committee, but could not give any more satisfaction in this particular than in those relative to the bonds.

The title of the account of the 22d of May purports not only that those sums were paid into the Company's treasury by Mr. Hastings's order, but that they were applied to the Company's service. No service is specified, directly or by any reference, to which this great sum of money has been applied.

Two extraordinary articles follow this, in the May account, amounting to about 29,000*l.** These articles are called Receipts for Durbar Charges. The general head of Durbar Charges, made by persons in office, when analyzed into the particulars, contains various expenses, including bounties and presents made by government, chiefly in the foreign department. But in the last account he confesses that this sum also is not his, but the Company's property; but as in all the rest, so in this, he carefully conceals the means by which he acquired the money, the time of his taking it, and the persons from whom it was taken. This is the more extraordinary, because, in

* Vide Appendix B. No. 4.

looking over the journals and ledgers of the Treasury, the presents received and carried to the account of the Company (which were generally small and complimental) were precisely entered, with the name of the giver.

Your Committee, on turning to the account of Durbar charges in the ledger of that month, find the sum, as stated in the account of May 22d, to be indeed paid in; but there is no specific application whatsoever entered.

The account of the whole money thus clandestinely received, as stated on the 22d of May, 1782, (and for a great part of which Mr. Hastings to that time took credit for, and for the rest has accounted in an extraordinary manner as his own,) amounts in the whole to upwards of ninety-three thousand pounds sterling: a vast sum to be so obtained, and so loosely accounted for! If the money taken from the Rajah of Benares be added, (as it ought,) it will raise the sum to upwards of 116,000*l.*; if the 11,600*l.* bond in October be added, it will be upwards of 128,000*l.* received in a secret manner by Mr. Hastings in about one year and five months. To all these he adds another sum of one hundred thousand pounds, received as a present from the Subah of Oude. Total, upwards of 228,000*l.*

Your Committee find that this last is the only sum the giver of which Mr. Hastings has thought proper to declare. It is to be observed, that he did not receive this 100,000*l.* in money, but in bills on a great native money-dealer resident at Benares, and who has also an house at Calcutta: he is called Gopâl Dâs. The negotiation of these bills tended to make a discovery not so difficult as it would have been in other cases.

With regard to the application of this last sum of money, which is said to be carried to the Durbar charges of April, 1782, your Committee are not enabled to make any observations on it, as the account of that period has not yet arrived.

Your Committee have, in another Report, remarked fully upon most of the circumstances of this extraordinary transaction. Here they only bring so much of these circumstances again into view as may serve to throw light upon the true nature of the sums of money taken by British subjects in power, under the name of *presents*, and to show how far they are entitled to that description in any sense which can fairly imply in the pretended donors either willingness or ability to give. The condition of the bountiful parties who are not yet discovered may be conjectured from the state of those who have been made known: as far as that state anywhere appears, their generosity is found in proportion, not to the opulence they possess or to the favors they receive, but to the indigence they feel and the insults they are exposed to. The House will particularly attend to the situation of the principal giver, the Subah of Oude.

"When the knife," says he, "had penetrated to the bone, and I was surrounded with such heavy distresses that I could no longer live in expectations, I wrote you an account of my difficulties.

"The answer which I have received to it is such that it has given me inexpressible grief and affliction. I never had the least idea or expectation from you and the Council that you would ever have given your orders in so afflicting a manner, in which you never before wrote, and which I could not have imagined. As I am resolved to *obey* your orders, and directions

of the Council, without any delay, as long as I live, I have, agreeably to those *orders*, delivered up *all my private papers* to him [the Resident], that, when he shall have examined my receipts and expenses, *he may take whatever remains.* As I know it to be my duty to satisfy you, the Company, and Council, I have not failed to *obey* in any instance, but requested of him that it might be done so as not to *distress me in my necessary expenses:* there being no other funds but those for the expenses of my mutseddies, household expenses, and servants, &c. He demanded these in such a manner, that, being *remediless*, I was obliged to comply with what he required. He has accordingly *stopped the pensions of my old servants for thirty years, whether sepoys, mutseddies, or household servants, and the expenses of my family and kitchen, together with the jaghires of my grandmother, mother, and aunts, and of my brothers and dependants, which were for their support.* I had raised thirteen hundred horse and three battalions of sepoys to attend upon me; but as I have no resources to support them, I have been obliged to remove the people stationed in the mahals [districts] and to send his people [the Resident's people] into the mahals, so that I have not now one single servant about me. Should I mention to what further difficulties I have been reduced, it would lay me open to contempt."

In other parts of this long remonstrance, as well as in other remonstrances no less serious, he says, "that it is difficult for him to save himself alive; that in all his affairs *Mr. Hastings had given full powers to the gentlemen here,*" (meaning the English Resident and Assistants,) "*who have done whatever they chose, and still continue to do it.* I never expected that *you* would

have brought me into such apprehension, and into so weak a state, without *writing to me on any one of those subjects;* since I have not the smallest connection with anybody except yourself. I am in such distress, both day and night, that I see not the smallest prospect of deliverance from it, since you are so displeased with me *as not to honor me with a single letter.*"

In another remonstrance he thus expresses himself. "The affairs of this world are unstable, and soon pass away: it would therefore be incumbent on the *English* gentlemen to show *some* friendship for me in my *necessities*, — I, who have always exerted my very life in the service of the English, *assigned over to them all the resources left in my country*, stopped my very household expenses, together with the jaghires of my servants and dependants, to the amount of 98,98,375 rupees. Besides this, as to the jaghires of my grandmother, mother, and uncle, which were granted to them for their support, *agreeable to engagements*, you are the *masters*, — if the Council have sent orders for the stopping their jaghires also, stop them. I have no resources left in my country, and have no friends by me, being even distressed in my daily subsistence. I have some elephants, horses, and the houses which I inhabit: if they can be of any service to my friends, they are ready. Whenever you can discover any resources, seize upon them: I shall not interfere to prevent you. In my present distress for my daily expenses, I was in hopes that they would have excused some part of my debt. Of what use is it for me to relate my situation, which is known to the whole world? This much is sufficient."

The truth of all these representations is nowhere contested by Mr. Hastings. It is, indeed, admitted in

something stronger than words; for, upon account of the Nabob's condition, and the no less distressed condition of his dominions, he thought it fit to withdraw from him and them a large body of the Company's troops, together with all the English of a civil description, who were found no less burdensome than the military. This was done on the declared inability of the country any longer to support them, — a country not much inferior to England in extent and fertility, and, till lately at least, its equal in population and culture.

It was to a prince, in a state so far remote from freedom, authority, and opulence, so penetrated with the treatment he had received, and the behavior he had met with from Mr. Hastings, that Mr. Hastings has chosen to attribute a disposition so very generous and munificent as, of his own free grace and mere motion, to make him a present, at one donation, of upwards of one hundred thousand pounds sterling. This vast private donation was given at the moment of vast instant demands severely exacted on account of the Company, and accumulated on immense debts to the same body, — and all taken from a ruined prince and almost desolated territory.

Mr. Hastings has had the firmness, with all possible ease and apparent unconcern, to request permission from the Directors to legalize this forbidden present for his own use. This he has had the courage to do at a time when he had abundant reason to look for what he has since received, — their censure for many material parts of his conduct towards the people from whose wasted substance this pretended free gift was drawn. He does not pretend that he has reason to expect the smallest degree of partiality, in this or any

other point, from the Court of Directors. For, besides his complaint, first stated, of having never possessed their confidence, in a late letter * (in which, notwithstanding the censures of Parliament, he magnifies his own conduct) he says, that, in all the long period of his service, "he has almost unremittedly wanted the support which all his predecessors had enjoyed from their constituents. From mine," says he, "I have received *nothing but reproach*, *hard* epithets, *and indignities*, instead of rewards and encouragement." It must therefore have been from some other source of protection than that which the law had placed over him that he looked for countenance and reward in violating an act of Parliament which forbid him from *taking gifts or presents on any account whatsoever*, — much less a gift of this magnitude, which, from the distress of the giver, must be supposed the effect of the most cruel extortion.

The Directors did wrong in their orders to appropriate money, which they must know could not have been acquired by the consent of the pretended donor, to their own use.† They acted more properly in refusing to confirm this grant to Mr. Hastings, and in choosing rather to refer him to the law which he had violated than to his own sense of what he thought he was entitled to take from the natives: putting him in mind that the Regulating Act had expressly declared "that no Governor-General, or any of the Council, shall, directly or indirectly, accept, receive, or take, of or from any person or persons, or on any account whatsoever, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, or any promise or engagement for any of the aforesaid."

* Vide Appendix B. No. 6. † Ibid., No. 7.

Here is no reserve for the case of a disclosure to the Directors, and for the legalizing the breach of an act of Parliament by their subsequent consent. The illegality attached to the action at its very commencement, and it could never be afterwards legalized: the Directors had no such power reserved to them. Words cannot be devised of a stronger import or studied with more care. To these words of the act are opposed the declaration and conduct of Mr. Hastings, who, in his letter of January, 1782, thinks fit to declare, that "an offer of a very considerable sum of money was made to him, both on the part of the Nabob and his ministers, as *a present*, which he *accepted without hesitation*." The plea of his pretended necessity is of no avail. The present was not in ready money, nor, as your Committee conceive, applicable to his immediate necessities. Even his credit was not bettered by bills at long periods; he does not pretend that he raised any money upon them; nor is it conceivable that a banker at Benares would be more willing to honor the drafts of so miserable, undone, and dependent a person as the Nabob of Oude than those of the Governor-General of Bengal, which might be paid either on the receipt of the Benares revenue, or at the seat of his power, and of the Company's exchequer. Besides, it is not explicable, upon any grounds that can be avowed, why the Nabob, who could afford to give these bills as *a present* to Mr. Hastings, could not have equally given them in discharge of the debt which he owed to the Company. It is, indeed, very much to be feared that the people of India find it sometimes turn more to their account to give presents to the English in authority than to pay their debts to the public; and this is a matter of a very serious consideration.

No small merit is made by Mr. Hastings, and that, too, in a high and upbraiding style, of his having come to a voluntary discovery of this and other unlawful practices of the same kind. "That honorable court," says Mr. Hastings, addressing himself to his masters, in his letter of December, 1782, "ought to know whether I possess the integrity and honor which are the first requisites of such a station. If I wanted these, they have afforded me too powerful incentives to suppress the information which I now convey to them through you, and to appropriate to my own use the sums which I have already passed to their credit, by their *unworthy*, and pardon me if I add *dangerous reflections*, which they have passed upon me for the first communication of this kind"; and he immediately adds, what is singular and striking, and savors of a recriminatory insinuation, "*and your own experience* will suggest to you that there are persons who would profit by such a warning." * To what Directors in particular this imputation of experience is applied, and what other persons they are in whom *experience* has shown a disposition to profit of such a warning, is a matter highly proper to be inquired into. What Mr. Hastings says further on this subject is no less worthy of attention: — "*that he could have concealed these transactions, if he had a wrong motive, from theirs and the public eye forever.*" † It is undoubtedly true, that, whether the observation be applicable to the particular case or not, practices of this corrupt nature are extremely difficult of detection anywhere, but especially in India; but all restraint upon that grand fundamental abuse of presents is gone forever, if the servants of the Company

* Vide Appendix B. No. 6. † Ibid.

can derive safety from a defiance of the law, when they can no longer hope to screen themselves by an evasion of it. All hope of reformation is at an end, if, confiding in the force of a faction among Directors or proprietors to bear them out, and possibly to vote them the fruit of their crimes as a reward of their discovery, they find that their bold avowal of their offences is not only to produce indemnity, but to be rated for merit. If once a presumption is admitted, that, wherever something is divulged, nothing is hid, the discovering of one offence may become the certain means of concealing a multitude of others. The contrivance is easy and trivial, and lies open to the meanest proficient in this kind of art; it will not only become an effectual cover to such practices, but will tend infinitely to increase them. In that case, sums of money will be taken for the purpose of discovery and making merit with the Company, and other sums will be taken for the private advantage of the receiver.

It must certainly be impossible for the natives to know what presents are for one purpose, or what for the other. It is not for a Gentoo or a Mahometan landholder at the foot of the remotest mountains in India, who has no access to our records and knows nothing of our language, to distinguish what lacs of rupees, which he has given *eo nomine* as a present to a Company's servant, are to be authorized by his masters in Leadenhall Street as proper and legal, or carried to their public account at their pleasure, and what are laid up for his own emolument.

The legislature, in declaring all presents to be the property of the Company, could not consider corruption, extortion, and fraud as any part of their re-

sources. The property in such presents was declared to be theirs, not as a fund for their benefit, but in order to found a legal title to a civil suit. It was declared theirs, to facilitate the recovery out of corrupt and oppressive hands of money illegally taken; but this legal fiction of property could not nor ought by the legislature to be considered in any other light than as a trust held by them for those who suffered the injury. Upon any other construction, the Company would have a right, first, to extract money from the subjects or dependants of this kingdom committed to their care, by means of particular conventions, or by taxes, by rents, and by monopolies; and when they had exhausted every contrivance of public imposition, then they were to be at liberty to let loose upon the people all their servants, from the highest rank to the lowest, to prey upon them at pleasure, and to draw, by personal and official authority, by influence, venality, and terror, whatever was left to them, — and that all this was justified, provided the product was paid into the Company's exchequer.

This prohibition and permission of presents, with this declaration of property in the Company, would leave no property to any man in India. If, however, it should be thought that this clause in the act* should be capable, by construction and retrospect, of so legalizing and thus appropriating these presents, (which your Committee conceive impossible,) it is absolutely necessary that it should be very fully explained.

The provision in the act was made in favor of the natives. If such construction prevails, the provision made as their screen from oppression will become

* Act 13 Geo. III. cap 63.

the means of increasing and aggravating it without bounds and beyond remedy. If presents, which when they are given were unlawful, can afterwards be legalized by an application of them to the Company's service, no sufferer can even resort to a remedial process at law for his own relief. The moment he attempts to sue, the money may be paid into the Company's treasury; it is then lawfully taken, and the party is non-suited.

The Company itself must suffer extremely in the whole order and regularity of their public accounts, if the idea upon which Mr. Hastings justifies the taking of these presents receives the smallest countenance. On his principles, the same sum may become private property or public, at the pleasure of the receiver; it is in his power, Mr. Hastings says, to conceal it forever.* He certainly has it in his power not only to keep it back and bring it forward at his own times, but even to shift and reverse the relations in the accounts (as Mr. Hastings has done) in what manner and proportion seems good to him, and to make himself alternately debtor or creditor for the same sums.

Of this irregularity Mr. Hastings himself appears in some degree sensible. He conceives it possible that his transactions of this nature may to the Court of Directors seem unsatisfactory. He, however, puts it hypothetically: "If to you," says he, "who are accustomed to view business in an *official and regular light, they should appear unprecedented, if not improper.*" † He just conceives it possible that in an

* Vide Mr. Hastings's Letter of 16 December, 1782, in Appendix B. No. 6.

† Vide Appendix B. No. 6.

official money transaction the Directors may expect a proceeding official and regular. In what other lights than those which are official and regular matters of public account ought to be regarded by those who have the charge of them, either in Bengal or in England, does not appear to your Committee. Any other is certainly "unprecedented and improper," and can only serve to cover fraud both in the receipt and in the expenditure. The acquisition of 58,000 rupees, or near 6000*l.*, which appears in the sort of *unofficial and irregular account* that he furnishes of his presents, in his letter of May, 1782,* must appear extraordinary indeed to those who expect from men in office something official and something regular. "This sum," says he, "I received while I was on my journey to Benares." † He tells it with the same careless indifference as if things of this kind were found by accident on the high-road.

Mr. Hastings did not, indeed he could not, doubt that this unprecedented and improper account would produce much discussion. He says, "Why these sums were taken by me, why they were (except the second) *quietly* transferred to the Company's account, why bonds were taken for the first and not for the rest, might, were this matter to be exposed to the view of the public, *furnish a variety of conjectures.*" ‡

This matter has appeared, and has furnished, as it ought to do, something more serious than conjectures. It would in any other case be supposed that Mr. Hastings, expecting such inquiries, and considering that the questions are (even as they are imperfectly stated by himself) far from frivolous, would

* Vide Appendix B. No. 3. † Ibid. ‡ Ibid.

condescend to give some information upon them; but the conclusion of a sentence so importantly begun, and which leads to such expectations, is, "that to these conjectures it would be of little use to reply." This is all he says to public conjecture.

To the Court of Directors he is very little more complaisant, and not at all more satisfactory; he states merely as a supposition their inquiry concerning matters of which he positively knew that they had called for an explanation. He knew it, because he presumed to censure them for doing so. To the hypothesis of a further inquiry he gives a conjectural answer of such a kind as probably, in an account of a doubtful transaction, and to a superior, was never done before.

"*Were* your Honorable Court to question me upon these points, I *would* answer, that the sums were taken for the Company's benefit, at times in which the Company very much stood in need of them; that I *either* chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or *possibly acted without any studied design* which my memory could at this distance of time verify." *

He here professes not to be certain of the motives by which he was himself actuated in so extraordinary a concealment, and in the use of such extraordinary means to effect it; and as if the acts in question were those of an absolute stranger, and not his own, he gives various loose conjectures concerning the motive to them. He even supposes, in taking presents contrary to law, and in taking bonds for them as his own, contrary to what he admits to be truth and fact, that he might have acted without

* Vide Appendix B. No. 3.

any distinct motive at all, or at least such as his memory could reach at that distance of time. That immense distance, in the faintness of which his recollection is so completely lost as to set him guessing at his motives for his own conduct, was from the 15th of January, 1781, when the bonds at his own request were given, to the date of this letter, which is the 22d of May, 1782, — that is to say, about one year and four months.

As to the other sums, for which no bond was taken, the ground for the difference in his explanation is still more extraordinary: he says, "I did not think it worth my care to observe the same means with *the rest*." * The rest of these sums, which were not worth his care, are stated in his account to be greater than those he was so solicitous (for some reason which he cannot guess) to cover under bonds: these sums amount to near 53,000*l.*; whereas the others did not much exceed 40,000*l.* For these actions, attended with these explanations, he ventures to appeal to their (the Directors') breasts for a candid interpretation, and "he assumes the freedom to add, that he thinks himself, on *such* a subject, and on *such* an occasion, entitled to it"; † and then, as if he had performed some laudable exploit, in the accompanying letter he glories in the integrity of his conduct; and anticipating his triumph over injustice, and the applauses which at a future time he seems confident he shall receive, says he, "The applause of my own breast is my surest reward: your applause and that of my country is my next wish in life." ‡ He declares in that very letter that he had not *at any time* possessed the confi-

* Vide Appendix B. No. 3. † Ibid. ‡ Ibid., No. 6.

dence with them which they never withheld from the meanest of his predecessors. With wishes so near his heart perpetually disappointed, and, instead of applauses, (as he tells us,) receiving nothing but reproaches and disgraceful epithets, his steady continuance for so many years in their service, in a place obnoxious in the highest degree to suspicion and censure, is a thing altogether singular.

It appears very necessary to your Committee to observe upon the great leading principles which Mr. Hastings assumes, to justify the irregular taking of these vast sums of money, and all the irregular means he had employed to cover the greater part of it. These principles are the more necessary to be inquired into, because, if admitted, they will serve to justify every species of improper conduct. His words are, "that the sources from which these reliefs to the public service have come would never have yielded them to the Company *publicly;* and that the exigencies of their service (exigencies created by the exposition of their affairs, and faction in their divided councils) required those supplies." *

As to the first of these extraordinary positions, your Committee cannot conceive what motive could actuate any native of India dependent on the Company, in assisting them privately, and in refusing to assist them publicly. If the transaction was fair and honest, every native must have been desirous of making merit with the great governing power. If he gave his money as a free gift, he might value himself upon very honorable and very acceptable service; if he lent it on the Company's bonds, it would still have been of service, and he might also receive eight per

* Vide Appendix B. No. 6.

cent for his money. No native could, without some interested view, give to the Governor-General what he would refuse to the Company as a grant, or even as a loan. It is plain that the powers of government must, in some way or other, be understood by the natives to be at sale. The Governor-General says that he took the money with an original destination to the purposes to which he asserts he has since ap plied it. But this original destination was in his own mind only, — not declared, nor by him pretended to be declared, to the party who gave the presents, and who could perceive nothing in it but money paid to the supreme magistrate for his private emolument. All that the natives could possibly perceive in such a transaction must be highly dishonorable to the Company's government; for they must conceive, when they gave money to Mr. Hastings, that they bought from Mr. Hastings either what was their own right or something that was not so, or that they redeemed themselves from some acts of rigor inflicted, threatened, or apprehended. If, in the first case, Mr. Hastings gave them the object for which they bargained, his act, however proper, was corrupt, — if he did not, it was both corrupt and fraudulent; if the money was extorted by force or threats, it was oppressive and tyrannical. The very nature of such transactions has a tendency to teach the natives to pay a corrupt court to the servants of the Company; and they must thereby be rendered less willing, or less able, or perhaps both, to fulfil their engagements to the state. Mr. Scott's evidence asserts that they would rather give to Mr. Hastings than lend to the Company. It is very probable; but it is a demonstration of their opinion of his power and corruption, and of the weak and precarious state of the Company's authority.

The second principle assumed by Mr. Hastings for his justification, namely, that factious opposition and a divided government might create exigencies requiring such supplies, is full as dangerous as the first; for, if, in the divisions which must arise in all councils, one member of government, when he thinks others factiously disposed, shall be entitled to take money privately from the subject for the purposes of his politics, and thereby to dispense with an act of Parliament, pretences for that end cannot be wanting. A dispute may always be raised in council in order to cover oppression and peculation elsewhere. But these principles of Mr. Hastings tend entirely to destroy the character and functions of a council, and to vest them in one of the dissentient members. The law has placed the sense of the whole in the majority; and it is not a thing to be suffered, that any of the members should privately raise money for the avowed purpose of defeating that sense, or for promoting designs that are contrary to it: a more alarming assumption of power in an individual member of any deliberative or executive body cannot be imagined. Mr. Hastings had no right, in order to clear himself of peculation, to criminate the majority with faction. No member of any body, outvoted on a question, has, or can have, a right to direct any part of his public conduct by that principle. The members of the Council had a common superior, to whom they might appeal in their mutual charges of faction: they did so frequently; and the imputation of faction has almost always been laid on Mr. Hastings himself.

But there were periods, very distinguished periods too, in the records of the Company, in which the clandestine taking of money could not be supported

even by this pretence. Mr. Hastings has been charged with various acts of peculation, perpetrated at a time he could not excuse himself by the plea of any public purpose to be carried on, or of any faction in council by which it was traversed. It may be necessary here to recall to the recollection of the House, that, on the cry which prevailed of the ill practices of the Company's servants in India, (which general cry in a great measure produced the Regulating Act of 1773,) the Court of Directors, in their instructions of the 29th of March, 1774, gave it as an injunction to the Council-General, that "they *immediately* cause the *strictest* inquiry to be made into *all* oppressions which may have been committed either against natives or Europeans, and into *all* abuses which may have prevailed in the collection of the revenues or *any part of the civil government* of the Presidency; and that you communicate to us *all information* which you may be able to obtain relative thereto, or any embezzlement or dissipation of the Company's money."

In this inquiry, by far the most important abuse which appeared on any of the above heads was that which was charged relative to the sale in gross by Mr. Hastings of nothing less than the whole authority of the country government in the disposal of the guardianship of the Nabob of Bengal.

The present Nabob, Mobarek ul Dowlah, was a minor when he succeeded to the title and office of Subahdar of the three provinces in 1770. Although in a state approaching to subjection, still his rank and character were important. Much was necessarily to depend upon a person who was to preserve the moderation of a sovereign not supported by intrinsic power, and yet to maintain the dignity necessary to carry

on the representation of political government, as well as the substance of the whole criminal justice of a great country. A good education, conformably to the maxims of his religion and the manners of his people, was necessary to enable him to fill that delicate place with reputation either to the Mahometan government or to ours. He had still to manage a revenue not inconsiderable, which remained as the sole resource for the languishing dignity of persons any way distinguished in rank among Mussulmen, who were all attached and clung to him. These considerations rendered it necessary to put his person and affairs into proper hands. They ought to have been men who were able by the gravity of their rank and character to preserve his morals from the contagion of low and vicious company, — men who by their integrity and firmness might be enabled to resist in some degree the rapacity of Europeans, as well as to secure the remaining fragments of his property from the attempts of the natives themselves, who must lie under strong temptation of taking their share in the last pillage of a decaying house.

The Directors were fully impressed with the necessity of such an arrangement. Your Committee find, that, on the 26th of August, 1771, they gave instructions to the President and Council to appoint "a minister to transact the political affairs of the circar [government], — and to select for that purpose some person well qualified for the affairs of government to be the minister of the government, and guardian of the Nabob's minority."

The order was so distinct as not to admit of a mistake; it was (for its matter) provident and well considered; and the trust which devolved on Mr. Hast-

ings was of such a nature as might well stimulate a man sensible to reputation to fulfil it in a manner agreeably to the directions he had received, and not only above just cause of exception, but out of the reach of suspicion and malice. In that situation it was natural to suppose he would cast his eyes upon men of the first repute and consideration among the Mussulmen of high rank.

Mr Hastings, instead of directing his eyes to the durbar, employed his researches in the seraglio. In the inmost recesses of that place he discovered a woman secluded from the intercourse and shut up from the eyes of men, whom he found to correspond with the orders he had received from the Directors, as a person well "qualified for the affairs of government, fit to be a minister of government and the guardian of the Nabob's minority." This woman he solemnly invests with these functions. He appoints Rajah Gourdas, whom some time after he himself qualified with a description of a young man of mean abilities, to be her duan, or steward of the household. The rest of the arrangement was correspondent to this disposition of the principal offices.

It seems not to have been lawful or warrantable in Mr. Hastings to set aside the arrangement positively prescribed by the Court of Directors, which evidently pointed to a man, not to any woman whatever. As a woman confined in the female apartment, the lady he appointed could not be competent to hold or qualified to exercise any active employment: she stood in need of guardians for herself, and had not the ability for the guardianship of a person circumstanced as the Subah was. General

Clavering, Colonel Monson, and Mr. Francis declare in their minute, "that they believe there never was an instance in India of such a trust so disposed of." Mr. Hastings has produced no precedent in answer to this objection.

It will be proper to state to the House the situation and circumstances of the women principally concerned, who were in the seraglio of Jaffier Ali Khân at his death. The first of these was called Munny Begum, a person originally born of poor and obscure parents, who delivered her over to the conductress of a company of dancing girls; in which profession being called to exhibit at a festival, the late Nabob took a liking to her, and, after some cohabitation, she obtained such influence over him that he took her for one of his wives and (she seems to have been the favorite) put her at the head of his harem; and having a son by her, this son succeeded to his authority and estate, — Munny Begum, the mother, being by his will a devisee of considerable sums of money, and other effects, on which he left a charge, which has since been applied to the service of the East India Company. The son of this lady dying, and a son by another wife succeeding, and dying also, the present Nabob, Mobarek ul Dowlah, son by a third wife, succeeded. This woman was then alive, and in the seraglio.

It was Munny Begum that Mr. Hastings chose, and not the natural mother of the Nabob. Whether, having chosen a woman in defiance of the Company's orders, and in passing by the natural parent of the minor prince, he was influenced by respect for the disposition made by the deceased Nabob during his life, or by other motives, the House will deter-

mine upon a view of the facts which follow. It will be matter of inquiry, when the question is stated upon the appointment of a stepmother in exclusion of the parent, whether the usage of the East constantly authorizes the continuance of that same distribution of rank and power which was settled in the seraglio during the life of a deceased prince, and which was found so settled at his death, and afterwards, to the exclusion of the mother of the successor. In case of female guardianship, her claim seems to be a right of Nature, and which nothing but a very clear positive law will (if that can) authorize the departure from. The history of Munny Begum is stated on the records of the Council-General, and no attempt made by Mr. Hastings to controvert the truth of it.

That was charged by the majority of Council to have happened which might be expected inevitably to happen: the care of the Nabob's education was grossly neglected, and his fortune as grossly mismanaged and embezzled. What connection this waste and embezzlement had with the subsequent events the House will judge.

On the 2d of May, 1775, Mr. James Grant, accountant to the Provincial Council of Moorshedabad, produced to the Governor-General and Council certain Persian papers which stated nine lacs of rupees (upwards of ninety thousand pounds sterling) received by Munny Begum, on her appointment to the management of the Nabob's household, over and above the balance due at that time, and not accounted for by her. These Grant had received from Nuned Roy, who had been a writer in the Begum's Treasury Office. Both Mr. Grant and Nuned Roy

were called before the board, and examined respecting the authenticity of the papers. Among other circumstances tending to establish the credit of these papers, it appears that Mr. Grant offered to make oath that the chief eunuch of the Begum had come to him on purpose to prevail on him not to send the papers, and had declared *that the accounts were not to be disputed.*

On the 9th of May it was resolved by a majority of the board, against the opinion and solemn protest of the Governor-General, that a gentleman should be sent up to the city of Moorshedabad to demand of Munny Begum the accounts of the nizamut and household, from April, 1764, to the latest period to which they could be closed, and to divest the Begum of the office of guardian to the Nabob; and Mr. Charles Goring was appointed for this purpose.

The preceding facts are stated to the House, not as the foundation of an inquiry into the conduct of the Begum, but as they lead to and are therefore necessary to explain by what means a discovery was made of a sum of money given by her to Mr. Hastings.

Mr. Goring's first letter from the city, dated 17th May, 1775, mentions, among other particulars, the young Nabob's joy at being delivered out of the hands of Munny Begum, of the mean and indigent state of confinement in which he was kept by her, of the distress of his mother, and that he had told Mr. Goring that the "Begum's eunuch had instructed the servants not to suffer him to learn anything by which he might make himself acquainted with business": and he adds, "Indeed, I believe there is great truth in it, as his Excellency seems to be ignorant of almost everything a man of his rank ought to know, — not

from a want of understanding, but of being properly educated."

On the 21st of May, Mr. Goring transmitted to the Governor-General and Council an account of sums given by the Begum under her seal, delivered to Mr. Goring by the Nabob in her apartments. The account is as follows.

Memorandum of Disbursements to English Gentlemen, from the Nabob's Sircar, in the Bengal Year 1179.

Seal of Munny Begum, Mother of the Nabob Nudjuf ul Dowlah, deceased.

To the Governor, Mr. Hastings, for an entertainment	1,50,000
To Mr. Middleton, on account of an agreement entered into by Baboo Begum .	1,50,000
Rupees .	3,00,000

When this paper was delivered, the Governor-General moved that Mr. Goring might be asked *how he came by it*, and *on what account this partial selection was made by him;* also, that the Begum should be desired *to explain the sum laid to his charge*, and that he should ask *the Nabob or the Begum their reasons for delivering this separate account.*

The substance of the Governor's proposal was agreed to.

Mr. Goring's answer to this requisition of the board is as follows.

"In compliance with your orders to explain the delivery of the paper containing an account of three lacs of rupees, I am to inform you, it took its rise

from a message sent me by the Begum, requesting I would interest myself with the Nabob to have Akbar Ali Khân released to her for a few hours, having something of importance to communicate to me, on which she wished to consult him. Thinking the service might be benefited by it, I accordingly desired the Nabob would be pleased to deliver him to my charge, engaging to return him the same night, — which I did. I heard no more till next day, when the Begum requested to see his Excellency and myself, desiring Akbar Ali might attend.

"On our first meeting, she entered into a long detail of her administration, endeavoring to represent it in the fairest light; at last she came to the point, and told me, my urgent and repeated remonstrances to her to be informed how the balance arose of which I was to inquire induced her from memory to say what she had herself given, — then mentioning the sum of a lac and a half to the Governor to feast him whilst he stayed there, and a lac and a half to Mr. Middleton by the hands of Baboo Begum. As I looked on this no more than a matter of conversation, I arose to depart, but was detained by the Begum's requesting the Nabob to come to her. A scene of weeping and complaint then began, which made me still more impatient to be gone, and I repeatedly sent to his Excellency for that purpose: he at last came out and delivered me the paper I sent you, declaring it was given him by the Begum to be delivered me."

Munny Begum also wrote a letter to General Clavering, in which she directly asserts the same. "Mr. Goring has pressed me on the subject of the balances; in answer to which I informed him, that all the par-

ticulars, being on record, would in the course of the inquiry appear from the papers. He accordingly received from the Nabob Mobarek ul Dowlah a list of three lacs of rupees given to the Governor and Mr. Middleton. I now send you inclosed a list of the dates when it was presented, and through whose means, which you will receive."

The Governor-General then desired that the following questions might be proposed to the Begum by Mr. Martin, then Resident at the Durbar.

1st. Was any application made to you for the account which you have delivered, of three lacs of rupees said to have been paid to the Governor and Mr. Middleton, or did you deliver the account of your own free will, and unsolicited?

2d. In what manner was the application made to you, and by whom?

3d. On what account was the sum of one and half lacs given to the Governor-General, which you have laid to his account? Was it in consequence of any requisition from him, or of any previous agreement, or of any established usage?

The Governor-General objected strongly to Mr. Goring's being present when the questions were put to the Begum; but it was insisted on by the majority, and it was resolved accordingly, that he ought to be present. The reasons on both sides will best appear by the copy of the debate, inserted in the Appendix.

The Begum's answer to the preceding questions, addressed to the Governor-General and Council, where it touched the substance, was as follows.

"The case is this. Mr. Goring, on his arrival here, *seized all the papers, and secured them under his seal;*

and all the mutsuddies [clerks or accountants] attended him, and explained to him all the particulars of them. Mr. Goring inquired of me concerning the arrears due to the sepoys, &c., observing, that the nizamut and bhela money [Nabob's allowance] was received from the Company; from whence, then, could the balance arise? I made answer, that the sum was not adequate to the expenses. Mr. Goring then asked, What are those expenses which exceed the sum received from the Company? I replied, *All the particulars will be found in the papers.* The affair of the three lacs of rupees, *on account of entertainment for the Governor and Mr. Middleton*, has been, I am told, related to you by Rajah Gourdas; besides which there are many other expenses, which will appear from the papers. As the custom of entertainment is of long standing, and accordingly every Governor of Calcutta who came to Moorshedabad received a daily sum of two thousand rupees for entertainment, which was in fact instead of provisions; and the lac and an half of rupees laid to Mr. Middleton's charge was *a present on account of an agreement entered into by the Bhow Begum.* I therefore affixed my seal to the account, and forwarded it to Mr. Goring by means of the Nabob."

In this answer, the accounts given to Mr. Goring she asserts to be genuine. They are explained, in all the particulars, by all the secretaries and clerks in office. They are secured under Mr. Goring's seal. To them she refers for everything; to them she refers for the three lacs of rupees given to Mr. Hastings and Mr. Middleton. It is impossible to combine together a clearer body of proof, composed of record of office and verbal testimony mutually supporting and illustrating each other.

The House will observe that the receipt of the money is indirectly admitted by one of the Governor's own questions to Munny Begum.

If the money was not received, it would have been absurd to ask *on what account it was given*. Both the question and the answer relate to some established usage, the appeal to which might possibly be used to justify the acceptance of the money, if it was accepted, but would be superfluous, and no way applicable to the charge, if the money was never given.

On this point your Committee will only add, that, in all the controversy between Mr. Hastings and the majority of the Council, he *nowhere denies the receipt of this money*. In his letter to the Court of Directors of the 31st of July, 1775, he says that the Begum was compelled by the ill treatment of one of her servants, which he calls *a species of torture*, to deliver the paper to Mr. Goring; but he nowhere affirms that the contents of the paper were false.

On this conduct the majority remark, "We confess it appears very extraordinary that Mr. Hastings should employ so much time and labor to show that the discoveries against him have been obtained by improper means, but that he should take no step whatsoever *to invalidate the truth of them*. He does not deny the receipt of the money: the Begum's answers to the questions put to her at his own desire make it impossible that he should deny it. It seems, he has formed some plan of defence against this and similar charges, which he thinks will avail him in a court of justice, and which it would be imprudent in him to anticipate at this time. If he has not received the money, we see no reason for such a guarded and cautious method of proceeding. An innocent man would

take a shorter and easier course. He would voluntarily exculpate himself by his oath."

Your Committee entertain doubts whether the refusal to exculpate by oath can be used as a circumstance to infer any presumption of guilt. But where the charge is direct, specific, circumstantial, supported by papers and verbal testimony, made before his lawful superiors, to whom he was accountable, by persons competent to charge, if innocent, he was obliged at least to oppose to it a clear and formal denial of the fact, and to make a demand for inquiry. But if he does not deny the fact, and eludes inquiry, just presumptions will be raised against him.

Your Committee, willing to go to the bottom of a mode of corruption deep and dangerous in the act and the example, being informed that Mr. Goring was in London, resolved to examine him upon the subject. Mr. Goring not only agreed with all the foregoing particulars, but even produced to your Committee what he declared to be the original Persian papers in his hands, delivered from behind the curtain through the Nabob himself, who, having privilege, as a son-in-law, to enter the women's apartment, received them from Munny Begum as authentic, — the woman all the while lamenting the loss of her power with many tears and much vociferation. She appears to have been induced to make discovery of the above practices in order to clear herself of the notorious embezzlement of the Nabob's effects.

Your Committee examining Mr. Scott and Mr. Baber on this subject, they also produced a Persian paper, which Mr. Baber said he had received from the hands of a servant of Munny Begum, — and along with it a paper purporting to be a translation into

English of the Persian original. In the paper given as the translation, Munny Begum is made to allege many matters of hardship and cruelty against Mr. Goring, and an attempt to compel her to make out a false account, but does not at all deny the giving the money: very far from it. She is made to assert, indeed, "that Mr. Goring desired her to put down three lacs of rupees, as divided between Mr. Hastings and Mr. Middleton. I begged to be excused, observing to him that this money had neither been tendered or *accepted* with any criminal or improper view." After some lively expressions in the European manner, she says, "that it had been customary to furnish a table for the Governor and his attendants, during their stay at court. With respect to the sum mentioned to Mr. Middleton, it was *a free gift* from my own *privy purse*. Purburam replied, he understood this money to be paid to these gentlemen as a gratuity for *secret services;* and as such he should assuredly represent it." Here the payments to Mr. Hastings are fully admitted, and excused as agreeable to usage, and for keeping a table. The present to Mr. Middleton is justified as a free gift. The paper produced by Mr. Scott is not referred to by your Committee as of any weight, but to show that it does not prove what it is produced to prove.

Your Committee, on reading the paper delivered in by Mr. Scott as a translation, perceive it to be written in a style which they conceived was little to be expected in a faithful translation from a Persian original, being full of quaint terms and idiomatic phrases, which strongly bespeak English habits in the way of thinking, and of English peculiarities and affectations in the expression. Struck with these strong

internal marks of a suspicious piece, they turned to the Persian manuscript produced by Mr. Scott and Mr. Baber, and comparing it with Mr. Goring's papers, they found the latter carefully sealed upon every leaf, as they believe is the practice universal in all authentic pieces. They found on the former no seal or signature whatsoever, either at the top or bottom of the scroll. This circumstance of a want of signature not only takes away all authority from the piece as evidence, but strongly confirmed the suspicions entertained by your Committee, on reading the translation, of unwarrantable practices in the whole conduct of this business, even if the translation should be found substantially to agree with the original, such an original as it is. The Persian roll is in the custody of the clerk of your Committee for further examination.

Mr. Baber and Mr. Scott, being examined on these material defects in the authentication of a paper produced by them as authentic, could give no sort of account how it happened to be without a signature; nor did Mr. Baber explain how he came to accept and use it in that condition.

On the whole, your Committee conceive that all the parts of the transaction, as they appear in the Company's records, are consistent, and mutually throw light on each other.

The Court of Directors order the President and Council to appoint a *minister* to transact the *political* affairs of the government, and to *select* for that purpose some person well qualified for the *affairs of government*, and to be the *minister of government*. Mr. Hastings selects for the minister so described and so qualified a woman locked up in a seraglio. He is or-

dered to appoint a guardian to the Nabob's minority. Mr. Hastings passes by his natural parent, and appoints another woman. These acts would of themselves have been liable to suspicion. But a great deficiency or embezzlement soon appears in this woman's account. To exculpate herself, she voluntarily declares that she gave a considerable sum to Mr. Hastings, who never once denies the receipt. The account given by the principal living witness of the transaction in his evidence is perfectly coherent, and consistent with the recorded part. The original accounts, alleged to be delivered by the lady in question, were produced by him, properly sealed and authenticated. Nothing is opposed to all this but a paper without signature, and therefore of no authority, attended with a translation of a very extraordinary appearance; and this paper, in apologizing for it, confirms the facts beyond a doubt.

Finally, your Committee examined the principal living witness of the transaction, and find his evidence consistent with the record. Your Committee received the original accounts, alleged to be delivered by the lady in question, properly sealed and authenticated, and find opposed to them nothing but a paper without signature, and therefore of no authority, attended with a translation of a very extraordinary appearance.

In Europe the Directors ordered opinions to be taken on a prosecution: they received one doubtful, and three positively for it.

They write, in their letter of 5th February, 1777, paragraphs 32 and 33: —

" Although it is rather our wish to prevent evils in future than to enter into a severe retrospection of the

past, and, where facts are doubtful, or attended with alleviating circumstances, to proceed with lenity, rather than to prosecute with rigor, — yet some of the cases are so flagrantly corrupt, and others attended with circumstances so oppressive to the inhabitants, that it would be unjust to suffer the delinquents to go unpunished. The principal facts * have been communicated to our solicitor, whose report, confirmed by our standing counsel, we send you by the present conveyance, — authorizing you, at the same time, to take such steps as shall appear proper to be pursued.

"If we find it necessary, we shall return you the original covenants of such of our servants as remain in India, and have been anyways concerned in the undue receipt of money, in order to enable you to recover the same for the use of the Company by a suit or suits at law, to be instituted in the Supreme Court of Judicature in Bengal."

Your Committee do not find that the covenants have been sent, or that any prosecution has been begun.

A vast scene of further peculation and corruption, as well in this business as in several other instances, appears in the evidence of the Rajah Nundcomar. That evidence, and all the proceedings relating to it, are entered in the Appendix. It was the last evidence of the kind. The informant was hanged. An attempt was made by Mr. Hastings to indict him for a conspiracy; this failing of effect, another prosecutor appeared for an offence not connected with these charges. Nundcomar, the object of that charge, was executed, at the very crisis of the inquiry, for an of-

* Relative to salt farms, charges of the Ranny of Burdwan, and the charges of Nundcomar and Munny Begum.

fence of another nature, not capital by the laws of the country. As long as it appeared safe, several charges were made (which are inserted at large in the Appendix); and Mr. Hastings and Mr. Barwell seemed apprehensive of many more. General Clavering, Colonel Monson, and Mr. Francis declared, in a minute entered on the Consultations of the 5th May, 1775, that, "in the late proceedings of the Revenue Board, it will appear that there is no species of peculation from which the Honorable Governor-General has thought proper to abstain." A charge of offences of so heinous a nature, so very extensive, so very deliberate, made on record by persons of great weight, appointed by act of Parliament his associates in the highest trust, — a charge made at his own board, to his own face, and transmitted to their common superiors, to whom they were jointly and severally accountable, this was not a thing to be passed over by Mr. Hastings; still less ought it to have perished in other hands. It ought to have been brought to an immediate and strict discussion. General Clavering, Colonel Monson, and Mr. Francis ought to have been punished for a groundless accusation, if such it had been. If the accusation were founded, Mr. Hastings was very unfit for the high office of Governor-General, or for any office.

After this comprehensive account by his colleagues of the Governor-General's conduct, these gentlemen proceeded to the particulars, and they produced the case of a corrupt bargain of Mr. Hastings concerning the disposition of office. This transaction is here stated by your Committee in a very concise manner, being on this occasion merely intended to point out to the House the absolute necessity which, in their

opinion, exists for another sort of inquiry into the corruptions of men in power in India than hitherto has been pursued. The proceedings may be found at large in the Appendix.

A complaint was made that Mr. Hastings had sold the office of Phousdar of Hoogly to a person called Khân Jehan Khân on a corrupt agreement, — which was, that from his emoluments of seventy-two thousand rupees a year he was to pay to the Governor-General thirty-six thousand rupees annually, and to his banian, Cantoo Baboo, four thousand more. The complainant offers to pay to the Company the forty thousand rupees which were corruptly paid to these gentlemen, and to content himself with the allowance of thirty-two thousand. Mr. Hastings was, if on any occasion of his life, strongly called upon to bring this matter to the most distinct issue; and Mr. Barwell, who supported his administration, and as such ought to have been tender for his honor, was bound to help him to get to the bottom of it, if his enemies should be ungenerous enough to countenance such an accusation without permitting it to be detected and exposed. But the course they held was directly contrary. They began by an objection to receive the complaint, in which they obstinately persevered as far as their power went. Mr. Barwell was of opinion that the Company's instructions to inquire into peculation were intended for the public interests, — that it could not forward the public interests to enter into these inquiries, — and that "he never would be a channel of aspersing any character, while it cannot conduce to the good of government." Here was a new mode of reasoning found out by Mr. Barwell, which might subject all inquiry into peculation

to the discretion of the very persons charged with it. By that reasoning all orders of his superiors were at his mercy; and he actually undertook to set aside those commands which by an express act of Parliament he was bound to obey, on his opinion of what would or would not conduce to the good of government. On his principles, he either totally annihilates the authority of the act of Parliament, or he entertains so extravagant a supposition as that the Court of Directors possessed a more absolute authority, when their orders were not intended for the public good, than when they were.

General Clavering was of a different opinion. He thought "he should be wanting to the legislature, and to the Court of Directors, if he was not to receive the complaints of the inhabitants, when properly authenticated, and to prefer them to the board for investigation, as the only means by which these grievances can be redressed, and the Company informed of the conduct of their servants."

To these sentiments Colonel Monson and Mr. Francis adhered. Mr. Hastings thought it more safe, on principles similar to those assumed by Mr. Barwell, to refuse to hear the charge; but he reserved his remarks on this transaction, because they will be equally applicable to *many others which in the course of this business are likely to be brought before the board.* There appeared, therefore, to him a probability that the charge about the corrupt bargain was no more than the commencement of a whole class of such accusations; since he was of opinion (and what is very extraordinary, previous to any examination) that the same remarks would be applicable to several of those which were to follow. He must suppose this class of charges very uniform, as well as very extensive.

The majority, however, pressed their point; and notwithstanding his opposition to all inquiry, as he was supported only by Mr. Barwell, the question for it was carried. He was then desired to name a day for the appearance of the accuser, and the institution of the inquiry. Though baffled in his attempt to stop the inquiry in the first stage, Mr. Hastings made a second stand. He seems here to have recollected something inherent in his own office, that put the matter more in his power than at first he had imagined; for he speaks in a positive and commanding tone: "I will not," says his minute, "name a day for Mir Zin ul ab Dien to appear before the board; *nor will I suffer him to appear before the board.*"

The question for the inquiry had been carried; it was declared fit to inquire; but there was, according to him, a power which might prevent the appearance of witnesses. On the general policy of obstructing such inquiries, Mr. Francis, on a motion to that effect, made a sound remark, which cannot fail of giving rise to very serious thoughts: "That, supposing it agreed among ourselves that the board shall not hear any charges or complaints against a member of it, a case or cases may hereafter happen, in which, by a reciprocal complaisance to each other, our respective misconduct may be effectually screened from inquiry; and the Company, whose interest is concerned, or the parties who may have reason to complain of any one member individually, may be left without remedy."

Mr. Barwell was not of the opinion of that gentleman, nor of the maker of the motion, General Clavering, nor of Mr. Monson, who supported it. He entertains sentiments with regard to the orders of

the Directors in this particular perfectly correspondent with those which he had given against the original inquiry. He says, "Though it may in some little degree save the Governor-General from personal insult, where there is no judicial power lodged, that of inquisition can never answer any good purpose." This is doctrine of a most extraordinary nature and tendency, and, as your Committee conceive, contrary to every sound principle to be observed in the constitution of judicatures and inquisitions. The power of inquisition ought rather to be wholly separated from the judicial, the former being a previous step to the latter, which requires other rules and methods, and ought not, if possible, to be lodged in the same hands. The rest of his minute (contained in the Appendix) is filled with a censure on the native inhabitants, with reflections on the ill consequences which would arise from an attention to their complaints, and with an assertion of the authority of the Supreme Court, as superseding the necessity and propriety of such inquiries in Council. With regard to his principles relative to the natives and their complaints, if they are admitted, they are of a tendency to cut off the very principle of redress. The existence of the Supreme Court, as a means of relief to the natives under all oppressions, is held out to qualify a refusal to hear in the Council. On the same pretence, Mr. Hastings holds up the authority of the same tribunal. But this and other proceedings show abundantly of what efficacy that court has been for the relief of the unhappy people of Bengal. A person in delegated authority refuses a satisfaction to his superiors, throwing himself on a court of justice, and supposes that nothing but what judicially appears against him

is a fit subject of inquiry. But even in this Mr. Hastings fails in his application of his principle; for the majority of the Council were undoubtedly competent to order a prosecution against him in the Supreme Court, which they had no ground for without a previous inquiry. But their inquiry had other objects. No private accuser might choose to appear. The party who was the subject of the peculation might be (as here is stated) the accomplice in it. No popular action or popular suit was provided by the charter under whose authority the court was instituted. In any event, a suit might fail in the court for the punishment of an actor in an abuse for want of the strictest legal proof, which might yet furnish matter for the correction of the abuse, and even reasons strong enough not only to justify, but to require, the Directors instantly to address for the removal of a Governor-General. — The opposition of Mr. Hastings and Mr. Bærwell proved as ineffectual in this stage as the former; and a day was named by the majority for the attendance of the party.

The day following this deliberation, on the assembling of the Council, the Governor-General, Mr. Hastings, said, "he would not sit to be confronted by such accusers, nor to *suffer* a judicial inquiry into his conduct at the board of which he is the president." As on the former occasions, he declares the board dissolved. As on the former occasions, the majority did not admit his claim to this power; they proceeded in his absence to examine the accuser and witnesses. Their proceedings are in Appendix K.

It is remarkable, that, during this transaction, Khân Jehan Khân, the party with whom the corrupt agreement was made, declined an attendance under ex-

cuses which the majority thought pretences for delay, though they used no compulsory methods towards his appearance. At length, however, he did appear, and then a step was taken by Mr. Hastings of a very extraordinary nature, after the steps which he had taken before, and the declarations with which those steps had been accompanied. Mr. Hastings, who had absolutely refused to be present in the foregoing part of the proceeding, appeared with Khân Jehan Khân. And now the affair took another turn; other obstructions were raised. General Clavering said that the informations hitherto taken had proceeded upon oath. Khân Jehan Khân had previously declared to General Clavering his readiness to be so examined; but when called upon by the board, he changed his mind, and alleged a delicacy, relative to his rank, with regard to the oath. In this scruple he was strongly supported by Mr. Hastings. He and Mr. Barwell went further: they contended that the Council had no right to administer an oath. They must have been very clear in that opinion, when they resisted the examination on oath of the very person who, if he could safely swear to Mr. Hastings's innocence, owed it as a debt to his patron not to refuse it; and of the payment of this debt it was extraordinary in the patron not only to enforce, but to support, the absolute refusal.

Although the majority did not acquiesce in this doctrine, they appeared to have doubts of the prudence of enforcing it by violent means; but, construing his refusal into a disposition to screen the peculations of the Governor-General, they treated him as guilty of a contempt of their board, dismissed him from the service, and recommended another (not the accuser) to his office.

The reasons on both sides appear in the Appendix. Mr. Hastings accuses them bitterly of injustice to himself in considering the refusal of this person to swear as a charge proved. How far they did so, and under what qualifications, will appear by reference to the papers in the Appendix. But Mr. Hastings "thanks God that they are not his judges." His great hold, and not without reason, is the Supreme Court: and he "blesses the wisdom of Parliament, that constituted a court of judicature at so seasonable a time, to check the despotism of the new Council." It was thought in England that the court had other objects than the protection of the Governor-General against the examinations of those sent out with instructions to inquire into the peculations of men in power.

Though Mr. Hastings did at that time, and avowedly did, everything to prevent any inquiry that was instituted merely for the information of the Court of Directors, yet he did not feel himself thoroughly satisfied with his own proceedings. It was evident that to them his and Mr. Barwell's reasonings would not appear very respectful or satisfactory; he therefore promises to give them full satisfaction at some future time. In his letter of the 14th of September, 1775, he reiterates a former declaration, and assures them of his resolution to this purpose in the strongest terms. "I now *again* recur to the declaration which I have before made, that it is my fixed determination to carry *literally* into execution, and *most fully and liberally explain every circumstance of my conduct on the points upon which I have been injuriously arraigned*, — and to afford you the clearest conviction of my own integrity, and of the propriety of my motives for my declining a present defence of it."

These motives, as far as they can be discovered, were the violence of his adversaries, the interested character and views of the accuser, and the danger of a prosecution in the Supreme Court, which made it prudent to reserve his defence. These arguments are applicable to any charge. Notwithstanding these reasons, it is plain by the above letter that he thought himself bound at some time or other to give satisfaction to his masters: till he should do this, in his own opinion, he remained in an unpleasant situation. But he bore his misfortune, it seems, patiently, with a confidence in their justice for his future relief. He says, "Whatever evil may fill the *long interval* which may precede it." That interval he has taken care to make long enough; for near eight years are now elapsed, and he has not yet taken the smallest step towards giving to the Court of Directors any explanation whatever, much less that full and liberal explanation which he had so repeatedly and solemnly promised.

It is to be observed, that, though Mr. Hastings talks in these letters much of his integrity, and of the purity of his motives, and of full explanations, he nowhere denies the fact of this corrupt traffic of office. Though he had adjourned his defence, with so much pain to himself, to so very long a day, he was not so inattentive to the ease of Khân Jehan Khân as he has shown himself to his own. He had been accused of corruptly reserving to himself a part of the emoluments of this man's office; it was a delicate business to handle, whilst his defence stood adjourned; yet, in a very short time after a majority came into his hands, he turned out the person appointed by General Clavering, &c., and replaced the very man with whom he stood accused of the corrupt bargain;

what was worse, he had been charged with originally turning out another, to make room for this man. The whole is put in strong terms by the then majority of the Council, where, after charging him with every species of peculation, they add, "We believe the proofs of his appropriating four parts in seven of the salary with which the Company is charged for the Phousdar of Hoogly are such as, whether sufficient or not to convict him in a court of justice, will not leave the shadow of a doubt concerning his guilt in the mind of any unprejudiced person. The salary is seventy-two thousand rupees a year; the Governor takes thirty-six thousand, and allows Cantoo Baboo four thousand more for the trouble he submits to in conducting the negotiation with the Phousdar. This also is the common subject of conversation and derision through the whole settlement. It is our firm opinion and belief, that the late Phousdar of Hoogly, a relation of Mahomed Reza Khân, was turned out of this office merely because his terms were not so favorable as those which the Honorable Governor-General has obtained from the present Phousdar. The Honorable Governor-General is pleased to assert, with a confidential spirit peculiar to himself, that his measures hitherto stand unimpeached, except by us. We know not how this assertion is to be made good, unless *the most daring and flagrant prostitution in every branch* be deemed an honor to his administration."

The whole style and tenor of these accusations, as well as the nature of them, rendered Mr. Hastings's first postponing, and afterwards totally declining, all denial, or even defence or explanation, very extraordinary. No Governor ought to hear in silence such

charges; and no Court of Directors ought to have slept upon them.

The Court of Directors were not wholly inattentive to this business. They condemned his act as it deserved, and they went into the business of his legal right to dissolve the Council. Their opinions seemed against it, and they gave precise orders against the use of any such power in future. On consulting Mr. Sayer, the Company's counsel, he was of a different opinion with regard to the legal right; but he thought, very properly, that the use of a right, and the manner and purposes for which it was used, ought not to have been separated. What he thought on this occasion appears in his opinion transmitted by the Court of Directors to Mr. Hastings and the Council-General. "But it was as great a *crime* to dissolve the Council upon *base and sinister motives* as it would be to assume the power of dissolving, if he had it not. I believe he is *the first governor that ever* dissolved a council inquiring into his behavior, when he was innocent. Before he could summon three councils and dissolve them, he had time fully to consider what would be the result of such conduct, *to convince everybody, beyond a doubt, of his conscious guilt.*"

It was a matter but of small consolation to Mr. Hastings, during the painful interval he describes, to find that the Company's learned counsel admitted that he had legal powers of which he made an use that raised an universal presumption of his guilt.

Other counsel did not think so favorably of the powers themselves. But this matter was of less consequence, because a great difference of opinion may arise concerning the extent of official powers, even among men professionally educated, (as in this case

such a difference did arise,) and well-intentioned men may take either part. But the use that was made of it, in systematical contradiction to the Company's orders, has been stated in the Ninth Report, as well as in many of the others made by two of your committees.

APPENDIX.

B. No. 1.*

Copy of a Letter from the Governor-General to the Court of Directors.

To the Honorable the Court of Directors of the Honorable United East India Company.

FORT WILLIAM, 29th November, 1780.

HONORABLE SIRS, —

You will be informed by our Consultations of the 26th of June of a very unusual tender which was made by me to the board on that day, for the purpose of indemnifying the Company for the extraordinary expense which might be incurred by supplying the detachment under the command of Major Camac in the invasion of the Mahratta dominions, which lay beyond the district of Gohud, and drawing the attention of Mahdajee Sindia, to whom that country immediately appertained, from General Goddard, while his was employed in the reduction of Bassein, and in securing the conquests made by your arms in Guzerat. I was desirous to remove the only objection which has been or could be ostensibly made to the

* As the Appendixes originally printed with the foregoing Reports, and which consist chiefly of official documents, would have swelled this volume to an enormous size, it has been thought proper to omit them,, with the exception of the first nine numbers of the Appendix B. to the Eleventh Report, the insertion of which has been judged necessary for the elucidation of the subject-matter of that Report.

measure, which I had very much at heart, as may be easily conceived from the means which I took to effect it. For the reasons at large which induced me to propose that diversion, it will be sufficient to refer to my minute recommending it, and to the letters received from General Goddard near the same period of time. The subject is now become obsolete, and all the fair hopes which I had built upon the prosecution of the Mahratta war, of its termination in a speedy, honorable, and advantageous peace, have been blasted by the dreadful calamities which have befallen your arms in the dependencies of your Presidency of Fort St. George, and changed the object of our pursuit from the aggrandizement of your power to its preservation. My present reason for reverting to my own conduct on the occasion which I have mentioned is to obviate the false conclusions or purposed misrepresentations which may be made of it, either as an artifice of ostentation or as the effect of corrupt influence, by assuring you that the money, *by whatever means it came into your possession*, was not my own, — that I had myself no right to it, nor would or could have received it, but for the occasion which prompted me to avail myself of the accidental means which were at that instant afforded me of accepting and converting it to the property and use of the Company; and with this brief apology I shall dismiss the subject.

Something of affinity to this anecdote may appear in the first aspect of *another* transaction, which I shall proceed to relate, and of which it is more immediately my duty to inform you.

You will have been advised, by repeated addresses of this government, of the arrival of an army at Cut-

tack, under the command of Chimnajee Boosla, the second son of Moodajee Boosla, the Rajah of Berar. The origin and destination of this force have been largely explained and detailed in the correspondence of the government of Berar, and in various parts of our Consultations. The minute relation of these would exceed the bounds of a letter; I shall therefore confine myself to the principal fact.

About the middle of the last year, a plan of confederacy was formed by the Nabob Nizam Ali Khân, by which it was proposed, that, while the army of the Mahrattas, under the command of Mahdajee Sindia and Tuckoojee Hoolkar, was employed to check the operations of General Goddard in the West of India, Hyder Ali Khân should invade the Carnatic, Moodajee Boosla the provinces of Bengal, and he himself the Circars of Rajamundry and Chicacole.

The government of Berar was required to accept the part assigned it in this combination, and to march a large body of troops immediately into Bengal. To enforce the request on the part of the ruling member of the Mahratta state, menaces of instant hostility by the combined forces were added by Mahdajee Sindia, Tuckoojee Hoolkar, and Nizam Ali Khân, in letters written by them to Moodajee Boosla on the occasion. He was not in a state to sustain the brunt of so formidable a league, and ostensibly yielded. Such at least was the turn which he gave to his acquiescence, in his letters to me; and his subsequent conduct has justified his professions. I was early and progressively acquainted by him with the requisition, and with the measures which were intended to be taken, and which were taken, by him upon it. The army professedly destined for Ben-

gal marched on the Dusserra of the last year, corresponding with the 7th of October. Instead of taking the direct course to Bahar, which had been prescribed, it proceeded by varied deviations and studied delays to Cuttack, where it arrived late in May last, having performed a practicable journey of three months in seven, and concluded it at the instant commencement of the rains, which of course would preclude its operations, and afford the government of Berar a further interval of five months to provide for the part which it would then be compelled to choose.

In the mean time letters were continually written by the Rajah and his minister to this government, explanatory of their situation and motives, proposing their mediation and guaranty for a peace and alliance with the Peshwa, and professing, without solicitation on our part, the most friendly disposition towards us, and the most determined resolution to maintain it. Conformably to these assurances, and the acceptance of a proposal made by Moodajee Boosla to depute his minister to Bengal for the purpose of negotiating and concluding the proposed treaty of peace, application had been made to the Peshwa for credentials to the same effect.

In the mean time the fatal news arrived of the defeat of your army at Conjeveram. It now became necessary that every other object should give place or be made subservient to the preservation of the Carnatic; nor would the measures requisite for that end admit an instant of delay. Peace with the Mahrattas was the first object; to conciliate their alliance, and that of every other power in natural enmity with Hyder Ali, the next. Instant measures were taken (as our general advices will inform you) to se-

cure both these points, and to employ the government of Berar as the channel and instrument of accomplishing them. Its army still lay on our borders, and in distress for a long arrear of pay, not less occasioned by the want of pecuniary funds than a stoppage of communication. An application had been made to us for a supply of money; and the sum specified for the complete relief of the army was sixteen lacs. We had neither money to spare, nor, in the apparent state of that government in its relation to ours, would it have been either prudent or consistent with our public credit to have afforded it. It was nevertheless my decided opinion that some aid should be given, — not less as a necessary relief than as an indication of confidence, and a return for the many instances of substantial kindness which we had within the course of the last two years experienced from the government of Berar. I had an assurance that such a proposal would receive the acquiescence of the board; but I knew that it would not pass without opposition, and it would have become public, which might have defeated its purpose. Convinced of the necessity of the expedient, and assured of the sincerity of the government of Berar, from evidences of stronger proof to me than I could make them appear to the other members of the board, I resolved to adopt it, and take the entire responsibility of it upon myself. In this mode a less considerable sum would suffice. I accordingly caused three lacs of rupees to be delivered to the minister of the Rajah of Berar, resident in Calcutta: he has transmitted it to Cuttack. Two thirds of this sum I have raised by my own credit, and shall charge it in my official accounts; the other third I have supplied from the cash in my

hands belonging to the Honorable Company. I have given due notice to Moodajee Boosla of this transaction, and explained it to have been a private act of my own, unknown to the other members of the Council. I have given him expectations of the remainder of the amount required for the arrears of his army, proportioned to the extent to which he may put it in my power to propose it as a public gratuity by his effectual orders for the recall of these troops, or for their junction with ours.

I hope I shall receive your approbation of what I have done for your service, and your indulgence for the length of this narrative, which I could not comprise within a narrower compass.

I have the honor to be, Honorable Sirs,

Your most faithful, obedient,
and humble servant,
WARREN HASTINGS.

B. No. 2.

An Account of Money paid into the Company's Treasury by the Governor-General, since the Year 1773.

		CRs.	CRs.
May 1774 to April 1775.	For interest bonds . . .	2,175 *	
	For bills of exchange on the Court	1,43,937	
	For money refunded by order of Court, account General Coote's commission	8,418	1,54,530
	* { Received 19th May, Cancelled 30th July, 1774.		
1775–1776.	For bills of exchange on the Court .		1,80,480
1776–1777.	Do. do. do. .		1,96,800
1777–1778.	Do. do. do. .		1,08,000
1778–1779.	Do. do. do. .		1,43,000
1779–1780.	Do. do. do. .		1,21,600
1780–1781.	For bills of exchange . .	43,000	
	For deposits	2,38,715	
	For interest bonds, at 8 per cent	4,75,600	
	For do. 4 per cent	1,66,000	
	For Durbar charges . .	2,32,000	11,55,315
May, 1782.	For interest bonds		35,000
			20,94,725

(Errors excepted.)

JOHN ANNIS,
Auditor of Indian Accounts.

EAST INDIA HOUSE, 11th June, 1783.

B. No. 3.

To the Honorable the Secret Committee of the Honorable Court of Directors.

FORT WILLIAM, 22d May, 1782.

HONORABLE SIRS, —

In a letter which I have had the honor to address you in duplicate, and of which a triplicate accompanies this, dated 20th January, 1782, I informed you that I had received the offer of a sum of money from the Nabob Vizier and his ministers to the nominal amount of ten lacs of Lucknow siccas, and that bills on the house of Gopaul Doss had been actually given me for the amount, which I had accepted for the use of the Honorable Company; and I promised to account with you for the same as soon as it should be in my power, after the whole sum had come into my possession. This promise I now perform; and deeming it consistent with the spirit of it, I have added such *other* sums as have been occasionally converted to the Company's property through my means, and in consequence of the like original destination. Of the second of these you have been already advised in a letter which I had the honor to address the Honorable Court of Directors, dated 29th November, 1780. Both this and the third article were paid immediately to the Treasury, by my order to the subtreasurer to receive them on the Company's account, but never passed through my hands. The three sums for which bonds were granted were in like manner paid to the Company's Treasury without passing through my hands; but their appropriation was not specified. The sum of 58,000 current ru-

pees was received while I was on my journey to Benares, and applied as expressed in the account.

As to the manner in which these sums have been expended, the reference which I have made of it, in the accompanying account, to the several accounts in which they are credited, renders any other specification of it unnecessary; besides that those accounts either have or will have received a much stronger authentication than any that I could give to mine.

Why these sums were taken by me, — why they were, except the second, quietly transferred to the Company's use, — why bonds were taken for the first, and not for the rest, — might, were this matter to be exposed to the view of the public, furnish a variety of conjectures, to which it would be of little use to reply. Were your Honorable Court to question me upon these points, I would answer, that the sums were taken for the Company's benefit at times in which the Company very much needed them, — that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which my memory could at this distance of time verify, and that I did not think it worth my care to observe the same means with the rest. I trust, Honorable Sirs, to your breasts for a candid interpretation of my actions, and assume the freedom to add, that I think myself, on such a subject, and on such an occasion, entitled to it.

I have the honor to be, Honorable Sirs,

Your most faithful, most obedient,
and most humble servant,
WARREN HASTINGS.

B. No. 4.

An Account of Sums received on the Account of the Honorable Company by the Governor-General, or paid to their Treasury by his Order, and applied to their Service.

1780.		
October.		
The following sums were paid into the Treasury, and bonds granted for the same, in the name of the Governor-General, in whose possession the bonds remain, with a declaration upon each indorsed and signed by him, that he has no claim on the Company for the amount either of principal or interest, no part of the latter having been received:		
One bond, dated the 1st October, 1780, No. 1539	1,16,000 0 0	
One bond, dated the 2d October, 1780, No. 1540	1,16,000 0 0	
One bond, dated the 23d November, 1780, No. 1354	1,74,000 0 0	4,06,000 0 0
November.		
Paid into the Treasury, and carried to the Governor-General's credit in the 12th page of the Deposits Journal of 1780–81, mohurs of sorts which had been coined in the Mint, and produced, as per 358 and 359 pages of the Company's General Journal of 1780–81:		
Gold mohurs, 12,861 12 11, or		
Calcutta siccas	2,05,788 14 9	
Batta, 16 per cent . . .	32,926 3 6	2,38,715 2 3
1781.		
30 April.		
Paid into the Treasury, and credited in the 637th page of the Company's General Journal, as money received from the Governor-General on account of Durbar charges:		
Sicca rupees	2,00,000 0 0	
Batta, 16 per cent	32,000 0 0	2,32,000 0 0
Carried forward		8,76,715 2 3

Brought forward . . .	8,76,715 2 3
August.	
Received in cash, and employed in defraying my public disbursements, and credited in the Governor-General's account of Durbar charges for April, 1782	58,000 0 0
Produce of the sum mentioned in the Governor-General's letter to the Honorable Secret Committee, dated 20th January, 1782, and credited in the Governor-General's account of Durbar charges for April, 1782 . .	10,30,275 1 3
Current rupees . .	19,64,990 3 6

(Errors excepted.)

WARREN HASTINGS.

FORT WILLIAM, 22d May, 1782.

B. No. 5.

I, WILLIAM LARKINS, do make oath and say, that the letter and account to which this affidavit is affixed were written by me at the request of the Honorable Warren Hastings, Esquire, on the 22d May, 1782, from rough draughts written by himself in my presence; that the cover of the letter was sealed up by him in my presence, and was then intended to have been transmitted to England by the "Lively," when that vessel was first ordered for dispatch; and that it has remained closed until this day, when it was opened for the express purpose of being accompanied by this affidavit.

So help me God.

WILLIAM LARKINS.

CALCUTTA, 16th December 1782.

Sworn this 16th day of December, 1782, before me,

J. HYDE.

B. No. 6.

To the Honorable the Secret Committee of the Honorable Court of Directors.

FORT WILLIAM, 16 December, 1782.

HONORABLE SIRS,—

The dispatch of the "Lively" having been protracted by various causes from time to time, the accompanying address, which was originally designed and prepared for that dispatch, (no other conveyance since occurring,) has of course been thus long detained. The delay is of no public consequence; but it has produced a situation which with respect to myself I regard as unfortunate, because it exposes me to the meanest imputation from the occasion which the late Parliamentary inquiries have since furnished, but which were unknown when my letter was written, and written in the necessary consequence of a promise made to that effect in a former letter to your Honorable Committee, dated 20th January last. However, to preclude the possibility of such reflections from affecting me, I have desired Mr. Larkins, who was privy to the whole transaction, to affix to the letter his affidavit of the date in which it was written. I own I feel most sensibly the mortification of being reduced to the necessity of using such precautions to guard my reputation from dishonor. If I had at any time possessed that degree of confidence from my immediate employers which they never withheld from the meanest of my predecessors, I should have disdained to use these attentions. How I have drawn on me a different treatment I know not; it is sufficient that I have not

merited it: and in the course of a service of thirty-two years, and ten of these employed in maintaining the powers and discharging the duties of the first office of the British government in India, that Hon orable Court ought to know whether I possess the integrity and honor which are the first requisites of such a station. If I wanted these, they have afforded me but too powerful incentives to suppress the information which I now convey to them through you, and to appropriate to my own use the sums which I have already passed to their credit, by the unworthy, and, pardon me if I add, dangerous, reflections which they have passed upon me for the first communication of this kind: and your own experience will suggest to you, that there are persons who would profit by such a warning.

Upon the whole of these transactions, which to you, who are accustomed to view business in an official and regular light, may appear unprecedented, if not improper, I have but a few short remarks to suggest to your consideration.

If I appear in any unfavorable light by these transactions, I resign the common and legal security of those who commit crimes or errors. I am ready to answer every particular question that may be put against myself, upon honor or upon oath.

The sources from which these reliefs to the public service have come would never have yielded them to the Company publicly; and the exigencies of your service (exigencies created by the exposition of your affairs, and faction in your councils) required those supplies.

I could have concealed them, had I had a wrong motive, from yours and the public eye forever; and I

know that the difficulties to which a spirit of injustice may subject me for my candor and avowal are greater than any possible inconvenience that could have attended the concealment, except the dissatisfaction of my own mind. These difficulties are but a few of those which I have suffered in your service. The applause of my own breast is my surest reward, and was the support of my mind in meeting them: your applause, and that of my country, are my next wish in life.

I have the honor to be, Honorable Sirs,
Your most faithful, most obedient,
and most humble servant,
WARREN HASTINGS.

B. No. 7.

Extract of the Company's General Letter to Bengal, dated the 25th January, 1782.

PAR. 127. We have received a letter from our Governor-General, dated the 29th of November, 1780, relative to an unusual tender and advance of money made by him to the Council, as entered on your Consultation of the 26th of June, for the purpose of indemnifying the Company from the extraordinary charge which might be incurred by supplying the detachment under the command of Major Camac in the invasion of the Mahratta dominions, which lay beyond the district of Gohud, and thereby drawing the attention of Mahdajee Sindia (to whom the country appertained) from General Goddard, while the General was employed in the reduction of Bassein, and in se-

curing the conquests made in the Guzerat country; and also respecting the sum of three lacs of rupees advanced by the Governor-General for the use of the army under the command of Chimnajee Boosla without the authority or knowledge of the Council; with the reasons for taking these extraordinary steps under the circumstances stated in his letter.

128. In regard to the first of these transactions, we readily conceive, that, in the then state of the Council, the Governor-General might be induced to temporary secrecy respecting the members of the board, not only because he might be apprehensive of opposition to the proposed application of the money, but, perhaps, because doubts might have arisen concerning the propriety of appropriating it to the Company's use on any account; but it does *not appear to us* that there could be any real necessity for delaying to communicate to us immediate information of the channel by which the money came into his possession, with a complete illustration of the cause or causes of so extraordinary an event.

129. Circumstanced as affairs were at the moment, it appears that the Governor-General had the measure much at heart, and judged it absolutely necessary. The means proposed of defraying the extra expense were very extraordinary; and the money, as we conceive, must have come into his hands by an unusual channel: and when more complete information comes before us, we shall give our sentiments fully upon the whole transaction.

130. In regard to the application of the Company's money to the army of Chimnajee Boosla by the sole authority of the Governor-General, he knew that it was entirely at his own risk, and he has taken the re-

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sponsibility upon himself; nothing but the most urgent necessity could warrant the measure; nor can anything short of full proof of such necessity, and of the propriety and utility of the extraordinary step taken on the occasion, entitle the Governor-General to the approbation of the Court of Directors; and therefore, as in the former instance relative to the sum advanced and paid into our Treasury, we must also for the present *suspend* our judgment respecting the money sent to the Berar army, without approving it in the least degree, or proceeding to censure our Governor-General for this transaction.

B. No. 8.

Extract of Bengal Secret Consultations, the 9th January, 1781.

THE following letter from the Governor-General having been circulated, and the request therein made complied with, an order on the Treasury passed accordingly.

HONORABLE SIR AND SIRS, —

Having had occasion to disburse the sum of three lacs of sicca rupees on account of secret services, which having been advanced from my own private cash, I request that the same may be repaid to me in the following manner: — A bond to be granted me upon the terms of the second loan, bearing date from the 1st October, for one lac of sicca rupees; a bond to be granted me upon the terms of the first loan, bearing date from the 1st October, for one lac of sicca rupees;

a bond to be granted me upon the terms of the first loan, bearing date from the 2d October, for one lac of sicca rupees.

I have the honor to be, &c., &c.,
(Signed) WARREN HASTINGS.

FORT WILLIAM, 5th January, 1781.

B. No. 9.

An Account of Bonds granted to the Governor-General, from 1st January, 1779, to 31st May, 1782, with Interest paid or credited thereon.

When paid into the Treasury.	Sum.	Date of Bond.	Rate of Interest.
	CRs.		
23d Nov., 1780	1,74,000	23d Nov., 1780	at 8 per cent.
15th Dec.	69,600	15th Dec.	Do.
15th Jan., 1781	1,16,000	1st Oct., 1780	Do.
Do.	1,16,000	2d Do.	Do.
Do.	1,16,000	1st Do.	4 per cent.
17th March	50,000	17th Mar., 1781	Do.
8th May, 1782	20,000	15th Sept., 1781	8 per cent.
Do.	15,000	8th Dec., 1781	Do.
	6,76,600		

There does not appear to have been any interest paid on the above bonds to 31st May, 1782, the last accounts received. In the Interest Books, 1780 – 81, the last received, the Governor-General has credit for interest on the first six to April, 1781, to the amount of CRs. 21,964 12 8.

(Errors excepted.)

JOHN ANNIS,
Auditor of Indian Accounts.

EAST INDIA HOUSE, 5th June, 1783.

ARTICLES OF CHARGE

OF

HIGH CRIMES AND MISDEMEANORS

AGAINST

WARREN HASTINGS, ESQUIRE,

LATE GOVERNOR-GENERAL OF BENGAL:

PRESENTED TO THE HOUSE OF COMMONS

IN APRIL AND MAY, 1786.

ARTICLES I.—VI.

ARTICLES OF CHARGE

AGAINST

WARREN HASTINGS, ESQ.,

LATE GOVERNOR-GENERAL OF BENGAL.

I.—ROHILLA WAR.

THAT the Court of Directors of the East India Company, from a just sense of the danger and odium incident to the extension of their conquests in the East Indies, and from an experience of the disorders and corrupt practices which intrigues and negotiations to bring about revolutions among the country powers had produced, did positively and repeatedly direct their servants in Bengal not to engage in any offensive war whatsoever. That the said Court laid it down as *an invariable maxim, which ought ever to be maintained, that they were to avoid taking part in the political schemes of any of the country princes,* — and did, in particular, order and direct that they should not engage with a certain prince called Sujah ul Dowlah, Nabob of Oude, and Vizier of the Empire, in any operations beyond certain limits in the said orders specially described.

That Warren Hastings, Esquire, then Governor of Fort William in Bengal, did, with other members of the Council, declare his clear understanding of the true intent and meaning of the said positive and repeated orders and injunctions, — did express to the Court of Directors his approbation of the policy there-

of, — did declare that he adopted the same *with sincerity and satisfaction*, and that he was *too well aware of the ruinous tendency of all schemes of conquest ever to adopt them, or ever to depart from the absolute line of self-defence, unless impelled to it by the most obvious necessity*, — did signify to the Nabob of Oude the said orders, and his obligation to yield punctual obedience thereto, — and did solemnly engage and promise to the Court of Directors, with the *unanimous concurrence* of the whole Council, "that no object or consideration should either tempt or compel him to pass the political line which they [the Directors] had laid down for his operations with the Vizier," assuring the Court of Directors that he "scarce saw a possible advantage which could compensate the hazard and expense to be incurred by a contrary conduct," — that he did frequently repeat the same declarations, or declarations to the same effect, particularly in a letter to the Nabob himself, of the 22d of November, 1773, in the following words: "The commands of my superiors are, as I have repeatedly informed you, peremptory, that I shall not suffer their arms to be carried beyond the line of their own boundaries, and those of your Excellency, their ally."

That the said Warren Hastings, in direct contradiction to the said orders, and to his own sense of their propriety and coercive authority, and in breach of his express promises and engagements, did, in September, 1773, enter into a private engagement with the said Nabob of Oude, who was the special object of the prohibition, to furnish him, for a stipulated sum of money to be paid to the East India Company, with a body of troops for the declared purpose of "thoroughly extirpating the nation of the Rohillas": a na-

tion from whom the Company had never received, or pretended to receive or apprehend, any injury whatsoever; whose country, in the month of February, 1773, by an unanimous resolution of the said Warren Hastings and his Council, was included in the line of defence against the Mahrattas; and from whom the Nabob never complained of an aggression or act of hostility, nor pretended a distinct cause of quarrel, other than the non-payment of a sum of money in dispute between him and that people.

That, supposing the sum of money in question to have been strictly due to the said Nabob by virtue of any engagement between him and the Rohilla chiefs, the East India Company, or their representatives, were not parties to that engagement, or guaranties thereof, nor bound by any obligation whatever to enforce the execution of it.

That, previous to the said Warren Hastings's entering into the agreement or bargain aforesaid to extirpate the said nation, he did not make, or cause to be made, a due inquiry into the validity of the sole pretext used by the said Nabob; nor did he give notice of the said claims of debt to the nation of the Rohillas, in order to receive an explanation on their part of the matter in litigation; nor did he offer any mediation, nor propose, nor afford an opportunity of proposing, an agreement or submission by which the calamities of war might be avoided, as, by the high state in which the East India Company stood as a sovereign power in the East, and the honor and character it ought to maintain, as well as by the principles of equity and humanity, and by the true and obvious policy of uniting the power of the Mahometan princes against the Mahrattas, he was bound to do. That,

instead of such previous inquiry, or tender of good offices, the said Warren Hastings did stimulate the ambition and ferocity of the Nabob of Oude to the full completion of the inhuman end of the said unjustifiable enterprise, by informing him "that it would be absolutely necessary to persevere in it until it should be accomplished"; pretending that a fear of the Company's displeasure was his motive for annexing the accomplishment of the enterprise as a condition of his assistance, and asserting "that he could not hazard or answer for the displeasure of the Company, his masters, if they should find themselves involved in a *fruitless* war, or in an expense for prosecuting it," — a pretence tending to the high dishonor of the East India Company, as if the gain to be acquired was to reconcile that body to the breach of their own orders prohibiting all such enterprises; — and in order further to involve the said Nabob beyond the power of retreating, he did, in the course of the proceeding, purposely put the said Nabob under difficulties in case he should decline that war, and did oblige him to accept even the permission to relinquish the execution of this unjust project as a favor, and *to make concessions for it;* thereby acting as if the Company were principals in the hostility; and employing for this purpose much double dealing and divers unworthy artifices to entangle and perplex the said Nabob, but by means of which he found himself (as he has entered it on record) *hampered and embarrassed in a particular manner.*

That the said compact for offensive alliance in favor of a great prince against a considerable nation was not carried on by projects and counter-projects in writing; nor were the articles and conditions thereof

formed into any regular written instrument, signed and sealed by the parties; but the whole (both the negotiation and the compact of offensive alliance against the Rohillas) was a mere verbal engagement, the purport and conventions whereof nowhere appeared, except in subsequent correspondence, in which certain of the articles, as they were stated by the several parties, did materially differ: a proceeding new and unprecedented, and directly leading to mutual misconstruction, evasion, and ill faith, and tending to encourage and protect every species of corrupt, clandestine practice. That, at the time when this private verbal agreement was made by the said Warren Hastings with the Nabob of Oude, a public ostensible treaty was concluded by him with the said Nabob, in which there is no mention whatever of such agreement, or reference whatever to it: in defence of which omission, it is asserted by the said Warren Hastings, that *the multiplication of treaties weakens their efficacy, and therefore they should be reserved only for very important and permanent obligations;* notwithstanding he had previously declared to the said Nabob, "that the points which he had proposed required much consideration, and the previous ratification of a formal agreement, before he could consent to them. That the whole of the said verbal agreement with the Nabob of Oude in his own person, without any assistance on his part, was carried on and concluded by the said Warren Hastings alone, without any person who might witness the same, without the intervention even of an interpreter, though he confesses that he spoke the Hindostan language *imperfectly*, and although he had with him at that time and place several persons high in

the Company's service and confidence, namely, the commander-in-chief of their forces, two members of their Council, and the Secretary to the Council, who were not otherwise acquainted with the proceedings between him and the said Nabob than by such communications as he thought fit to make to them.

That the object avowed by the said Warren Hastings, and the motives urged by him for employing the British arms in the utter extirpation of the Rohilla nation, are stated by himself in the following terms: — "The acquisition of forty lacs of rupees to the Company, and of so much specie added to the exhausted currency of our provinces; — that it would give wealth to the Nabob of Oude, of which we should participate; — that the said Warren Hastings *should* always be ready to profess that he did reckon the probable acquisition of wealth among his reasons for taking up arms against his *neighbors;* — that it would ease the Company of a considerable part of their military expense, and preserve their troops from inaction and relaxation of discipline; — that the weak state of the Rohillas promised an easy conquest of them; — and, finally, that such was his idea of the Company's distress at home, added to his knowledge of their wants abroad, that he should have been glad of *any* occasion to employ their forces which saved so much of their pay and expenses."

That, in the private verbal agreement aforesaid for offensive war, the said Warren Hastings did transgress the bounds of the authority given him by his instructions from the Council of Fort William, which had limited his powers to such compacts "as were consistent with the spirit of the Company's orders"; which Council he afterwards persuaded, and with dif-

ficulty drew into an acquiescence in what he had done.

That the agreement to the effect aforesaid was settled in the said secret conferences before the 10th of September, 1773; but the said Warren Hastings, concealing from the Court of Directors a matter of which it was his duty to afford them the earliest and fullest information, did, on the said 10th of September, 1773, write to the Directors, and dispatched his letter over land, giving them an account of the public treaty, but taking not the least notice of his agreement for a mercenary war against the nation of the Rohillas.

That, in order to conceal the true purport of the said clandestine agreement the more effectually, and until he should find means of gaining over the rest of the Council to a concurrence in his disobedience of orders, he entered a minute in the Council books, giving a false account of the transaction; in which minute he represented that the Nabob had indeed *proposed* the design aforesaid, and that he, the said Warren Hastings, *was pleased that he urged the scheme of this expedition no further*, when in reality and truth he had absolutely consented to the said enterprise, and had engaged to assist him in it, which he afterwards admitted, and confessed that he did act in consequence of the same.

That the said Warren Hastings and his Council were sensible of the true nature of the enterprise in which they had engaged the Company's arms, and of the heavy responsibility to which it would subject himself and the Council,—"the personal hazard they, the Council, run, in undertaking so *uncommon* a measure without *positive* instructions, at their own risk,

with the eyes of the whole nation on the affairs of the Company, and the passions and prejudices of almost every man in England inflamed against the conduct of the Company and the character of its servants"; yet they engaged in the very practice which had brought such odium on the Company, and on the character of its servants, though they further say that they had continually before *their eyes the dread of forfeiting the favor of their employers*, and becoming the "objects of *popular* invectives." The said Warren Hastings himself says, at the very time when he proposed the measure, "I must confess I entertain some doubts as to its expediency at this time, from the circumstances of the *Company* at home, exposed to *popular* clamor, and all its measures liable to be canvassed in *Parliament*, their charter drawing to a close, and his Majesty's ministers unquestionably ready to take advantage of every unfavorable circumstance in the negotiations of its renewal." All these considerations did not prevent the said Warren Hastings from making and carrying into execution the said mercenary agreement for a sum of money, the payment of which the Nabob endeavored to evade on a construction of the verbal treaty, and was so far from being insisted on, as it ought to have been, by the said Warren Hastings, that, when, after the completion of the service, the commander-in-chief was directed to make a demand of the money, the agent of the said Warren Hastings at the same time assured the Nabob "that the demand was nothing more than matter of form, common, and even necessary, in all public transactions, and that, although the board considered the claim of the government literally due, it was not the intention of administration to prescribe to his Excel-

lency *the mode, or even limits, of payment.*" Nor was any part of the money recovered, until the establishment of the Governor-General and Council by act of Parliament, and their determination to withdraw the brigade from the Nabob's service, — the Resident at his court, appointed by the said Warren Hastings, having written, *that he had experienced much duplicity and deceit in most of his transactions with his Excellency;* and the said Nabob and his successors falling back in other payments in the same or greater proportion as he advanced in the payment of this debt, the consideration of lucre to the Company, the declared motive to this shameful transaction, totally failed, and no money in effect and substance (as far as by any account to be depended on appears) has been obtained.

That the said Nabob of Oude did, in consequence of the said agreement, and with the assistance of British troops, which were ordered to march and subjected to his disposal by the said Warren Hastings and the Council, unjustly enter into and invade the country of the Rohillas, and did there make war in a barbarous and inhuman manner, "by an abuse of victory," "by the unnecessary destruction of the country," "by a wanton display of violence and oppression, of inhumanity and cruelty," and "by the sudden expulsion and casting down of an whole race of people, to whom the slightest benevolence was denied." When prayer was made not to dishonor the Begum (a princess of great rank, whose husband had been killed in battle) and other women, by *dragging them about the country, to be loaded with the scoffs of the Nabob's rabble, and otherwise still worse used,* the Nabob refused to listen to the entreaties of a British commander-in-chief in their favor; and the said

women of high rank were exposed not only to the vilest personal indignities, but even to absolute want: and these transactions being by Colonel Champion communicated to the said Warren Hastings, instead of commendations for his intelligence, and orders to redress the said evils, and to prevent the like in future, by means which were suggested, and which appear to have been proper and feasible, he received a reprimand from the said Warren Hastings, who declared that we had no authority to control the conduct of the Vizier in the treatment of his subjects; and that Colonel Champion desisted from making further representations on this subject to the said Warren Hastings, being apprehensive of having already run some risk of displeasing by perhaps a too free communication of sentiments. That, in consequence of the said proceedings, not only the eminent families of the chiefs of the Rohilla nation were either cut off or banished, and their wives and offspring reduced to utter ruin, but the country itself, heretofore distinguished above all others for the extent of its cultivation as a *garden*, not having *one spot* in it of *uncultivated* ground, and from being *in the most flourishing state that a country could be*, was by the inhuman mode of carrying on the war, and the ill government during the consequent usurpation, reduced to a state of great decay and depopulation, in which it still remains.

That the East India Company, having had reason to conceive, that, for the purpose of concealing corrupt transactions, their servants in India had made unfair, mutilated, and garbled communications of correspondence, and sometimes had wholly withheld the same, made an order in their letter of the 23d of March, 1770, in the following tenor: — "The Gov-

ernor singly shall correspond with the country powers; but *all* letters, before they shall be by him sent, must be communicated to the other members of the Select Committee, and receive their approbation; and also *all* letters *whatsoever* which may be received by the Governor, in answer to or in course of correspondence, shall likewise be laid before the said Select Committee for their information and consideration"; and that in their instructions to their Governor-General and Council, dated 30th March, 1774, they did repeat their orders to the same purpose and effect.

That the said Warren Hastings did not obey, as in duty he was bound to do, the said standing orders; nor did communicate all his correspondence with Mr. Middleton, the Company's agent at the court of the Subah of Oude, or with Colonel Champion, the commander-in-chief of the Company's forces in the Rohilla war, to the Select Committee: and when afterwards, that is to say, on the 25th of October, 1774, he was required by the majority of the Council appointed by the act of Parliament of 1773, whose opinion was by the said act directed to be taken as the act of the whole Council, to produce *all* his correspondence with Mr. Middleton and Colonel Champion for the direction of their future proceedings relative to the obscure, intricate, and critical transaction aforesaid, he did positively and pertinaciously refuse to deliver any other than such parts of the said correspondence as he thought convenient, covering his said illegal refusal under general vague pretences of secrecy and danger from the communication, although the said order and instruction of the Court of Directors above mentioned was urged to him, and although it was represented to him by the said Council,

that they, as well as he, were bound by an oath of secrecy: which refusal to obey the orders of the Court of Directors (orders specially, and on weighty grounds of experience, pointed to cases of this very nature) gave rise to much jealousy, and excited great suspicions relative to the motives and grounds on which the Rohilla war had been undertaken.

That the said Warren Hastings, in the grounds alleged in his justification of his refusal to communicate to his colleagues in the Superior Council his correspondence with Mr. Middleton, the Company's Resident at Oude, was guilty of a new offence, arrogating to himself unprecedented and dangerous powers, on principles utterly subversive of all order and discipline in service, and introductory to corrupt confederacies and disobedience among the Company's servants; the said Warren Hastings insisting that Mr. Middleton, the Company's covenanted servant, the public Resident for transacting the Company's affairs at the court of the Subah of Oude, and as such receiving from the Company a salary for his service, was no other than the *official agent* of him, the said Warren Hastings, and that, being such, he was not obliged to communicate his correspondence.

That the Court of Directors, and afterwards a General Court of the Proprietors of the East India Company, (although the latter showed favorable dispositions towards the said Warren Hastings, and expressed, but without assigning any ground or reason, the highest opinion of his services and integrity,) did unanimously condemn, along with his conduct relative to the Rohilla treaty and war, his refusal to communicate his whole correspondence with Mr. Middleton to the Superior Council: yet the said Warren

Hastings, in defiance of the opinion of the Directors, and the unanimous opinion of the General Court of the said East India Company, as well as the precedent positive orders of the Court of Directors, and the injunctions of an act of Parliament, has, from that time to the present, never made any communication of the whole of his correspondence to the Governor-General and Council, or to the Court of Directors.

II. — SHAH ALLUM.

THAT, in a solemn treaty of peace, concluded the 16th of August, 1765, between the East India Company and the late Nabob of Oude, Sujah ul Dowlah, and highly approved of, confirmed, and ratified by the said Company, it is agreed, "that the King Shah Allum shall remain in full possession of Corah, and such part of the province of Allahabad as he now possesses, which are ceded to his Majesty as a royal demesne for the support of his dignity and expenses." That, in a separate agreement, concluded at the same time, between the King Shah Allum and the then Subahdar of Bengal, under the immediate security and guaranty of the English Company, the faith of the Company was pledged to the said King for the annual payment of twenty-six lac of rupees for his support out of the revenues of Bengal; and that the said Company did then receive from the said King a grant of the duanné of the provinces of Bengal, Bahar, and Orissa, on the express condition of their being security for the annual payment above mentioned. That the East India Company have held, and continue to hold, the duanné so granted, and

for some years have complied with the conditions on which they accepted of the grant thereof, and have at all times acknowledged that they held the duanné *in virtue of the Mogul's grants*. That the said Court of Directors, in their letter of the 30th June, 1769, to Bengal, declared, "that they esteemed themselves bound by treaty to protect the King's person, and to secure him the possession of the Corah and Allahabad districts"; and supposing an agreement should be made respecting these provinces between the King and Sujah ul Dowlah, the Directors then said, "that they should be subject to no further claim or requisition from the King, excepting for the stipulated tribute for Bengal, which they [the Governor and Council] were to pay to his agent, or remit to him in such manner as he might direct."

That, in the year 1772, the King Shah Allum, who had hitherto resided at Allahabad, trusting to engagements which he had entered into with the Mahrattas, quitted that place, and removed to Delhi; but, having soon quarrelled with those people, and afterwards being taken prisoner, had been treated by them with very great disrespect and cruelty. That, among other instances of their abuse of their immediate power over him, the Governor and Council of Bengal, in their letter of the 16th of August, 1773, inform the Court of Directors that he had been *compelled, while a prisoner in their hands, to grant sunnuds for the surrender of Corah and Allahabad to them;* and it appears from sundry other minutes of their own that the said Governor and Council did at all times consider the surrender above mentioned as *extorted* from the King, and *unquestionably an act of violence*, which could not alienate or impair his right

to those provinces, and that, when they took possession thereof, it was at the request of the King's Naib, or viceroy, who put them under the Council's *protection*. That on this footing they were accepted by the said Warren Hastings and his Council, and for some time considered by them as a deposit committed to their care by a prince to whom the possession thereof was particularly guarantied by the East India Company. In their letter of the 1st of March, 1773, they (the said Warren Hastings and his Council) say, "In no shape can this compulsatory cession by the King release us from the obligation we are under to defend the provinces which we have so particularly guarantied to him." But it appears that they soon adopted other ideas and assumed other principles concerning this object. In the instructions, dated the 23d of June, 1773, which the Council of Fort William gave to the said Warren Hastings, previous to his interview with the Nabob Sujah ul Dowlah at Benares, they say, that, "while the King continued at Delhi, whither he proceeded in opposition to their most strenuous remonstrances, they should certainly consider the engagements between him and the Company as dissolved by his alienation from them and their interest; that the possession of so remote a country could never be expected to yield any profit to the Company, and the defence of it must require a perpetual aid of their forces": yet in the same instructions they declare their opinion, that, "if the King should make overtures to renew his former connection, *his right to reclaim the districts of Corah and Allahabad could not with propriety be disputed*," and they authorize the said Warren Hastings to restore them to him *on condition that he should renounce his*

claim to the annual tribute of twenty-six lac of rupees, herein before mentioned, *and to the arrears which might be due*, thereby acknowledging the justice of a claim which they determined not to comply with but in return for the surrender of another equally valid; — that, nevertheless, in the treaty concluded by the said Warren Hastings with Sujah ul Dowlah on the 7th of September, 1773, it is asserted, that his Majesty, (meaning the King Shah Allum,) "having abandoned the districts of Corah and Allahabad, and given a sunnud for Corah and Currah to the Mahrattas, had thereby forfeited his right to the said districts," although it was well known to the said Warren Hastings, and had been so stated by him to the Court of Directors, that this surrender on the part of the King had been extorted from him by violence, while he was a prisoner in the hands of the Mahrattas, and although it was equally well known to the said Warren Hastings that there was nothing in the original treaty of 1765 which could restrain the King from changing the place of his residence, consequently that his removal to Delhi could not occasion a forfeiture of his right to the provinces secured to him by that treaty.

That the said Warren Hastings, in the report which he made of his interview and negotiations with Sujah ul Dowlah, dated the 4th of October, 1773, declared, "that the administration would have been culpable in the highest degree in retaining possession of Corah and Allahabad *for any other purpose than that of making an advantage by the disposal of them*," and therefore he had ceded them to the Vizier for fifty lac of rupees: a measure for which he had no authority whatever from the King Shah Allum, and in

the execution of which no reserve whatever was made in favor of the rights of that prince, nor any care taken of his interests.

That the sale of these provinces to Sujah Dowlah involved the East India Company in a triple breach of justice; since by the same act they violated a treaty, they sold the property of another, and they alienated a deposit committed to their friendship and good faith, and as such accepted by them. That a measure of this nature is not to be defended on motives of policy and convenience, supposing such motives to have existed, without a total loss of public honor, and shaking all security in the faith of treaties; but that in reality the pretences urged by the said Warren Hastings for selling the King's country to Sujah Dowlah were false and invalid. It could not strengthen our alliance with Sujah ul Dowlah; since, paying a price for a purchase, he received no favor and incurred no obligation. It did not free the Company from all the dangers attending either a remote property or a remote connection; since, the moment the country in question became part of Sujah Dowlah's dominions, it was included in the Company's former guaranty of those dominions, and in case of invasion the Company were obliged to send part of their army to defend it at the requisition of the said Sujah Dowlah; and if the remote situation of those provinces made the defence of them difficult and dangerous, much more was it a difficult and dangerous enterprise to engage the Company's force in an attack and invasion of the Rohillas, whose country lay at a much greater distance from the Company's frontier, — which, nevertheless, the said Warren Hastings agreed to and undertook at the very time when, under pre-

tence of the difficulty of defending Corah and Allahabad, he sold those provinces to Sujah Dowlah. It did not relieve the Company from the *expense* of defending the country; since the revenues thereof far exceeded the subsidy to be paid by Sujah Dowlah, and these revenues justly belonged to the Company as long as the country continued under their protection, and would have answered the expense of defending it. Finally, that the sum of fifty lac of rupees, stipulated with the said Sujah Dowlah, was inadequate to the value of the country, the annual revenues of which were stated at twenty-five lac of rupees, which General Sir Robert Barker, then commander-in-chief of the Company's forces, affirms *was certain, and too generally known to admit of a doubt.*

That the King Shah Allum received for some years the annual tribute of twenty-six lac of rupees above mentioned, and was entitled to continue to receive it by virtue of an engagement deliberately, and for an adequate consideration, entered into with him by the Company's servants, and approved of and ratified by the Company themselves; — that this engagement was absolute and unconditional, and did neither express nor suppose any case in which the said King should forfeit or the Company should have a right to resume the tribute; — that, nevertheless, the said Warren Hastings and his Council, immediately after selling the King's country to Sujah Dowlah, resolved to withhold, and actually withheld, the payment of the said tribute, of which the King Shah Allum has never since received any part; — that this resolution of the Council is not justified even by themselves on principles of right and justice, but by arguments of policy and convenience, by which the best founded

claims of right and justice may at all times be set aside and defeated. "They judged it highly impolitic and unsafe to answer the drafts of the King, until they were satisfied of his amicable intentions, and those of his new allies." But neither had they any reason to question the King's amicable intentions, nor was he pledged to answer for those of the Mahrattas; his trusting to the good faith of that people, and relying on their assistance to reinstate him in the possession of his capital, might have been imprudent and impolitic, but these measures, however ruinous to himself, indicated no enmity to the English, nor were they productive of any effects injurious to the English interests. And it is plain that the said Warren Hastings and his Council were perfectly aware that their motives or pretences for withholding the tribute were too weak to justify their conduct, having principally insisted on the reduced state of their treasury, which, as they said, *rendered it impracticable to comply with those payments.* The *right* of a creditor does not depend on the circumstances of the debtor: on the contrary, the plea of inability includes a virtual acknowledgment of the debt; since, if the creditor's right were denied, the plea would be superfluous.

That the East India Company, having on their part violated the engagements and renounced the conditions on which they received and have hitherto held and enjoyed the duanné of Bengal, Bahar, and Orissa from the King Shah Allum, have thereby forfeited all right and title to the said duanné arising from the said grant, and that it is free and open to the said King to resume such grant, and to transfer it to any other prince or state; — that, notwithstanding any dis-

tress or weakness to which he may be actually reduced, his lawful authority, as sovereign of the Mogul Empire, is still acknowledged in India, and that his grant of the duanné would sufficiently authorize and materially assist any prince or state that might attempt to dispossess the East India Company thereof, since it would convey a right which could not be disputed, and to which nothing but force could be opposed. Nor can these opinions be more strongly expressed than they have been lately by the said Warren Hastings himself, who, in a minute recorded the 1st of December, 1784, has declared, that, "fallen as the House of Timur is, it is yet the relic of the most illustrious line of the Eastern world; that *its sovereignty is universally acknowledged*, though the substance of it no longer exists; and that the Company itself derives its constitutional dominion from its ostensible bounty."

That the said Warren Hastings by this declaration has renounced and condemned the principle on which he avowedly acted towards the Mogul in the year 1773, when he denied that the sunnuds or grants of the Mogul, if they were in the hands of another nation, would avail them anything, — and when he declared "that the sword which gave us the dominion of Bengal must be the instrument of its preservation, and that, if it should ever cease to be ours, the next proprietor would derive his *right* and possession from the same *natural charter*." That the said Warren Hastings, to answer any immediate purpose, adopts any principle of policy, however false or dangerous, without any regard to former declarations made, or to principles avowed on other occasions by himself; and particularly, that in his conduct to Shah Allum

he first maintained that the grants of that prince were of no avail, — that we held the dominion of Bengal by the sword, which he has falsely declared the source of *right*, and the *natural charter* of dominion, — whereas at a later period he has declared that the sovereignty of the family of Shah Allum is universally acknowledged, and that the Company itself derives its constitutional dominion from their ostensible bounty.

III. — BENARES.

PART I.

RIGHTS AND TITLES OF THE RAJAH OF BENARES.

I. THAT the territory of Benares is a fruitful, and has been, not long since, an orderly, well-cultivated, and improved province, of great extent; and its capital city, as Warren Hastings, Esquire, has informed the Court of Directors, in his letter of the 21st of November, 1781, "is highly revered by the natives of the Hindoo persuasion, so that many who have acquired independent fortunes retire to close their days in a place so eminently distinguished for its sanctity"; and he further acquaints the Directors, "that it may rather be considered as the seat of the Hindoo religion than as the capital of a province. But as its inhabitants are not composed of Hindoos only, the *former* wealth which flowed into it from the offerings of pilgrims, as well as from the transactions of exchange, for which its central situation is adapted, has attracted numbers of Mahomedans, who still continue to reside in it with their families." And these circumstances of the city of Benares, which not only at-

tracted the attention of all the different descriptions of men who inhabit Hindostan, but interested them warmly in whatever it might suffer, did in a peculiar manner require that the Governor-General and Council of Calcutta should conduct themselves with regard to its rulers and inhabitants, when it became dependent on the Company, on the most distinguished principles of good faith, equity, moderation, and mildness.

II. That the Rajah Bulwant Sing, late prince or Zemindar of the province aforesaid, was a great lord of the Mogul Empire, dependent on the same, through the Vizier of the Empire, the late Sujah ul Dowlah, Nabob of Oude; and the said Bulwant Sing, in the commencement of the English power, did attach himself to the cause of the English Company; and the Court of Directors of the said Company did acknowledge, in their letter of the 26th of May, 1768, that "Bulwant Sing's joining us at the time he did was of *signal service*, and the stipulation in his favor was what he was justly entitled to"; and they did commend "the care that had been taken [by the then Presidency] of those that had shown their attachment to them [the Company] during the war"; and they did finally express their hope and expectation in the words following: "The moderation and attention paid to those who have espoused our interests in this war will *restore* our reputation in Hindostan, and that the Indian powers will be convinced *NO breach of treaty will ever have our sanction.*"

III. That the Rajah Bulwant Sing died on the 23d of August, 1770, and his son, Cheyt Sing, suc-

ceeding to his rights and pretensions, the Presidency of Calcutta (John Cartier, Esquire, being then President) did instruct Captain Gabriel Harper to procure a confirmation of the succession to his son Cheyt Sing, "as it was of the utmost political import to the Company's affairs; and that the young man ought not to consider the price to be paid to satisfy *the Vizier's jealousy and avarice.*" And they did further declare as follows: "The strong and inviolable attachment which subsisted betwixt the Company and the father makes us most readily interpose our good offices for the son." And the young Rajah aforesaid having agreed, under the mediation of Captain Harper, to pay near two hundred thousand pounds as a gift to the said Vizier, and to increase his tribute by near thirty thousand pounds annually, a deed of confirmation was passed by the said Vizier to the said Rajah and his heirs, by which he became a purchaser, for valuable considerations, of his right and inheritance in the zemindary aforesaid. In consequence of this grant, so by him purchased, the Rajah was solemnly invested with the government in the city of Benares, "amidst the acclamations of a numerous people, and to the great satisfaction of all parties." And the said Harper, in his letter of the 8th October, 1770, giving an account of the investiture aforesaid, did express himself in these words: "I will leave the young Rajah and others to acquaint you how I have conducted myself; only thus much let me say, that I have kept a strict eye not to diminish our national honor, disinterestedness, and justice, which I will conclude has had a greater effect in securing to the Company their vast possessions than even the force of arms, however formidable, could do." The Pres-

ident of Calcutta testified his approbation of the said Harper's conduct in the strongest terms, that is, in the following: "Your disinterestedness has been equally distinguishable as your abilities, and both do you the greatest honor."

IV. That the agreement between the Rajah and Nabob aforesaid continued on both sides without any violation, under the sanction and guaranty of the East India Company, for three years, when Warren Hastings, Esquire, being then President, did propose a further confirmation of the said grant, and did, on the 12th of October, 1773, obtain a delegation for himself to be the person to negotiate the same: it being his opinion, as expressed in his report of October 4th, 1773, that the Rajah was not only entitled to the inheritance of his zemindary by the grants through Captain Harper, but that the preceding treaty of Allahabad, though literally expressing no more than a security personal to Bulwant Sing, did, notwithstanding, in the true sense and import thereof, extend to his posterity; "and that it had been differently understood" (that is, not literally) "by the Company, and by this administration; and the Vizier had *before* put it out of all dispute by the solemn act passed in the Rajah's favor on his succession to the zemindary."

V. That the Council, in their instructions to the said Governor Hastings, did empower him "to *renew*, in behalf of the Rajah Cheyt Sing, the stipulation which was formerly made with the Vizier in consideration of his services in 1764"; and the government was accordingly settled on the Rajah and his poster-

ity, or to his heirs, on the same footing on which it was granted to his said father, excepting the addition aforesaid to the tribute, with an express provision "that *no increase* shall ever hereafter be demanded." And the grant and stipulation aforesaid was further confirmed by the said Sujah ul Dowlah, under the Company's guaranty, by the most solemn and awful form of oath known in the Mahomedan religion, inserted in the body of the deed or grant; and the said Warren Hastings, strongly impressed with the opinion of the propriety of protecting the Rajah, and of the injustice, malice, and avarice of the said Sujah Dowlah, and the known family enmity subsisting between him and the Rajah, did declare, in his report to the Council, as follows: "I am well convinced that the Rajah's inheritance, and perhaps his life, are no longer safe than while he enjoys the Company's protection, which is his due by the ties of justice and the obligations of public faith."

VI. That some time after the new confirmation aforesaid, that is to say, in the year 1774, the Governor-General and Council, which had been formed and the members thereof appointed by act of Parliament, did obtain the assignment of the sovereignty paramount of the said government by treaty with the Nabob of Oude, by which, although the supreme dominion was changed, the terms and the conditions of the tenure of the Rajah of Benares remained; as the said Nabob of Oude could transfer to the East India Company no other or greater estate than he himself possessed in or over the said zemindary. But to obviate any misconstruction on the subject, the said Warren Hastings did propose to the board, that, what-

ever provision might in the said treaty be made for the interest of the Company, the same should be "without an encroachment on the just rights of the Rajah, or *the engagements actually subsisting with him.*"

VII. That the said Warren Hastings, then having, or pretending to have, an extraordinary care of the interest of the Rajah of Benares, did, on his transfer of the sovereignty, propose a new grant, to be conveyed in new instruments to the said Rajah, conferring upon him further privileges, namely, the addition of the sovereign rights of the mint, and of the right of criminal justice of life and death. And he, the said Warren Hastings, as Governor-General, did himself propose the resolution for that purpose in Council, in the following words, with remarks explanatory of the principles upon which the grants aforesaid were made, namely: —

MINUTE.

VIII. "That the perpetual and *independent* possession of the zemindary of Benares and its dependencies be *confirmed* and guarantied to the Rajah Cheyt Sing and his heirs forever, *subject only to the annual payment of the revenues hitherto paid to the late Vizier*, amounting to Benares Sicca Rupees 23,71,656.12, to be disposed of as is expressed in the following article: *That no other demand be made on him either by the Nabob of Oude or this government; nor any kind of authority or jurisdiction be exercised by either within the districts assigned him.*" To which minute he, the said Warren Hastings, did subjoin the following observation in writing, and recorded therewith in the Council books, that is to say: "*The Ra-*

jah of Benares, from the situation of his country, which is a frontier to the provinces of Oude and Bahar, may be made a serviceable ally to the Company, whenever their affairs shall require it. He has always been considered in this light both by the Company and the successive members of the late Council; but to insure his attachment to the Company, his interest must be connected with it, which cannot be better effected than by freeing him totally from the REMAINS of his present vassalage under the guaranty and protection of the Company, and at the same time guarding him against any apprehensions from this government, by thus pledging its faith that no encroachment shall ever be made on his rights by the Company." And the said Warren Hastings, on the 5th of July, 1775, did himself propose, among other articles of the treaty relative to this object, one of the following tenor: "That, whilst the Rajah shall continue faithful to these engagements and punctual in his payments, and shall pay due obedience to the authority of this government, *no more demands* shall be made upon him by the Honorable Company of ANY KIND, or, on any pretence whatsoever, shall any person be allowed to interfere with his authority, or to disturb the peace of his country." And the said article was by the other members of the Council assented to without debate.

IX. On transferring the Rajah's tribute from the Nabob to the Company, the stipulation with the Nabob was renewed on the proposition of the said Warren Hastings himself, and expressed in a yet more distinct manner, namely: "That no more demands shall be made upon him by the Honorable Company of any kind." And the said Warren Hastings, in

justification of his proposal of giving the Rajah "a complete and uncontrolled authority over his zemindary," did enter on the Council book the following reasons for investing him with the same, strongly indicating the situation in which he must be left under any other circumstances, whether under the Nabob of Oude, or under the English, or under the double influence of both: "That the security of his person and possessions from the Company's protection may be rated equal to many lacs of rupees, *which, though saved to him, are no loss to the government on which he depends, being all articles of invisible expense:* in fees to the ministers and officers of the Nabob; in the charges of a double establishment of vackeels to both governments; in presents and charges of accommodation to the Nabob, during his residence at any place within the boundaries of his zemindary; in *the frauds, embezzlements, and oppressions exercised in the mint and cutwally;* besides the allowed profits of those officers, and the advantages which every man *in occasional power, or in the credit of it, might make of the Rajah's known weakness*, and the dread he stood in both of the displeasure of the Nabob *and the ill-will of individuals among the English, who were all considered, either in their present stations or connections, or the right of succession, as members of the state of Bengal.* It would be scarce possible to enumerate all the inconveniences to which the Rajah was liable *in his former situation*, or to estimate the precise effect which they produced on his revenue and on the gross amount of his expense; but it may be easily conceived that both were enormous, and of a nature the most likely to lessen the profits of government, instead of adding to them." And in justification of his pro-

posal of giving the Rajah the symbols of sovereignty in the power of life and death, and in the coining of money, as pledges of his *independence*, he states the deplorable situation of princes reduced to dependence on the Vizier or the Company, and obliged to entertain an English Resident at their court, in the following words: "It is proposed to receive the payment of his [the Rajah's] rents at Patna, because that is the nearest provincial station, and because it would not frustrate *the intention of rendering the Rajah independent.* If a Resident was appointed to receive the money, as it became due, at Benares, *such a Resident* would unavoidably acquire an influence over the Rajah, and over his country, *which would in effect render him the master of both.* This consequence might not perhaps be brought completely to pass without *a struggle and many appeals to the Council*, which, in a government constituted like this, *cannot fail to terminate against the Rajah, and, by the construction to which his opposition to the agent would be liable, might eventually draw on him severe restrictions, and end in reducing him to the mean and depraved state of a mere zemindar.*"

X. That, in order to satisfy the said Rajah of the intentions of the Company towards him, and of the true sense and construction of the grants to him, the said Rajah, to be made, the Governor-General (he, the said Warren Hastings) and Council did, on the 24th August, 1775, instruct Mr. Fowke, the Resident at the Rajah's court, in the following words: "It is proper to assure the Rajah, we do not mean to increase his tribute, but to require from him an exact sum; that, under the sovereignty of the Company, we are determined to leave him the free and uncon-

trolled management of the internal government of his country, and the collection and regulation of the revenues, so long as he adheres to the terms of his engagement; and will *never* demand *any* augmentation of the annual tribute which may be fixed."

XI. That the said Warren Hastings and the Council-General, not being satisfied with having instructed the Resident to make the representation aforesaid, to remove all suspicion that by the new grants any attempt should insidiously be made to change his former tenure, did resolve that a letter should be written by the Governor-General himself to the Rajah of Benares, to be delivered to Mr. Fowke, the Resident, together with his credentials; in which letter they declare "the board willing to continue the grant of the zemindary to him *in as full and ample a manner as he possessed it from former sovereigns;* and on his paying the annual tribute," &c; — and in explaining the reasons for granting to him the mint and criminal justice, they inform him that this is done in order "that he may possess an *uncontrolled and free authority* in the regulation and government of his zemindary.

XII. That on the 26th February, 1776, the Board and Council did order that the proper instruments should be prepared for conveying to the Rajah aforesaid the government and criminal justice and mint of Benares, with its dependencies, "in the usual form, *expressing the conditions already resolved on in the several proceedings of the board.*" And on the same day a letter was written to the Resident at Benares, signifying that they had ordered the proper instruments to be prepared, specifying the terms concerning

the remittance of the Rajah's tribute to Calcutta, as well as "*the several other conditions which had been already agreed to*,—and that they should forward it to him, to be delivered to the Rajah." And on the 20th of March following, the board did again explain the terms of the said tribute, in a letter to the Court of Directors, and did add, "that a *sunnud* [grant or patent] for his [Cheyt Sing's] zemindary should be furnished him *on these and the conditions before agreed on*."

XIII. That during the course of the transactions aforesaid in Council, and the various assurances given to the Rajah and the Court of Directors, certain improper and fraudulent practices were used with regard to the symbols of investiture which ought to have been given, and the form of the deeds by which the said zemindary ought to have been granted. For it appears that the original deeds were signed by the board on the 4th September, 1775, and transmitted to Mr. Fowke, the Resident at the Rajah's court, and that on the 20th of November following the Court of Directors were acquainted by the said Warren Hastings and the Council that Rajah Cheyt Sing had been invested with the *sunnud* (charters or patents) for his zemindary, and the *kellaut*, (or robes of investiture,) in all the proper forms; but on the 1st of October, 1775, the Rajah did complain to the Governor-General and Council, that the *kellaut*, (or robes,) with which he was to be invested according to their order, "*is not of the same kind* as that which he received from the late Vizier on the like occasion." In consequence of the said complaint, the board did, in their letter to the Resident of the 11th of the same month, desire

him "to make inquiry respecting the nature of the kellaut, and invest him with *one of the same sort*, on the part of this government, instead of that which they formerly described to him." And it appears highly probable that the instruments which accompanied the said robes of investiture were made in a manner conformable to the orders and directions of the board, and the conditions by them agreed to; as the Rájah, who complained of the insufficiency of the robes, did make no complaint of the insufficiency of the instruments, or of any deviation in them from those he had formerly received from the Vizier. *But a copy or duplicate of the said deeds or instruments were in some manner surreptitiously disposed of, and withheld from the records of the Company, and never were transmitted to the Court of Directors.*

XIV. That several months after the said settlement and investiture, namely, on the 15th of April, 1776, the Secretary informed the Court that he had prepared a *sunnud*, *cabbolut*, and *pottah* (that is, a patent, an agreement, and a rent-roll) for Cheyt Sing's zemindary, and the board ordered the same to be executed; but the Resident, on receiving the same, did transmit the several objections made by the Rajah thereto, and particularly to a clause in the patent, made in direct contradiction to the engagements of the Council so solemnly and repeatedly given, by which clause the former patents *are declared to be null*. That, on the representation aforesaid, on the 29th July, the Secretary was ordered to prepare new and proper instruments, *omitting the clause declaring the former patents to be null*, and the said new patents were delivered to the Rajah; and the others,

which he objected to, as well as those which had been delivered to him originally, were returned to the Presidency. But neither the first set of deeds, nor the fraudulent patent aforesaid, nor the new instruments made out on the complaint of the Rajah, omitting the exceptionable words, have been inserted in the records, although it was the particular duty of the said Warren Hastings that all transactions with the country powers should be faithfully entered, as well as to take care that all instruments transmitted to them on the faith of the Company should be honestly, candidly, and fairly executed, according to the true intent and meaning of the engagements entered into on the part of the Company, — giving by the said complicated, artificial, and fraudulent management, as well as by his said omitting to record the said material document, strong reason to presume that he did even then meditate to make some evil use of the deeds which he thus withheld from the Company, and which he did afterwards in reality make, when he found means and opportunity to effect his evil purpose.

PART II.

DESIGNS OF MR. HASTINGS TO RUIN THE RAJAH OF BENARES.

I. THAT the tribute transferred to the Company by the treaty with the Nabob of Oude, being 250,000*l.* a year sterling, and upwards, without any deductions whatsoever, was paid monthly, with such punctual exactness as had no parallel in the Company's dealings with any of the native princes or with any subject zemindar, being the only one who never was in arrears; and according to all appearance, a perfect

harmony did prevail between the Supreme Council at Calcutta and the Rajah. But though the Rajah of Benares furnished no occasion of displeasure to the board, yet it since appears that the said Warren Hastings did, at some time in the year 1777, conceive displeasure against him. In that year, he, the said Warren Hastings, retracted his own act of resignation of his office, made to the Court of Directors through his agent, Mr. Macleane, and, calling in the aid of the military to support him in his authority, brought the divisions of the government, according to his own expression, "to an extremity bordering on civil violence." This extremity he attributes, in a narrative by him transmitted to the Court of Directors, and printed, not to his own fraud and prevarication, but to what he calls "an attempt to wrest from him his authority"; and in the said narrative he pretends that the Rajah of Benares had deputed an agent with an express commission to his opponent, Sir John Clavering. This fact, if it had been true, (which is not proved,) was in no sort criminal or offensive to the Company's government, but was at first sight nothing more than a proper mark of duty and respect to the supposed succession of office. Nor is it possible to conceive in what manner it could offend the said Hastings, if he did not imagine that the express commission to which in the said narrative he refers might relate to the discovery to Sir John Clavering of some practice which he might wish to conceal, — the said Clavering, whom he styles "*his opponent*," having been engaged, in obedience to the Company's express orders, in the discovery of sundry peculations and other evil practices charged upon the said Hastings. But although, at the time of the said pre

tended deputation, he dissembled his resentment, it appears to have rankled in his mind, and that he never forgave it, of whatever nature it might have been (the same never having been by him explained); and some years after, he recorded it in his justification of his oppressive conduct towards the Rajah, urging the same with great virulence and asperity, as a proof or presumption of his, the said Rajah's, disaffection to the Company's government; and by his subsequent acts, he seems from the first to have resolved, when opportunity should occur, on a severe revenge.

II. That, having obtained, in his casting vote, a majority in Council on the death of Sir John Clavering and Mr. Monson, he did suddenly, and without any previous general communication with the members of the board, by a Minute of Consultation of the 9th of July, 1778, make an extraordinary demand, namely: "That the Rajah of Benares should *consent* to the establishment of three regular battalions of sepoys, *to be raised and maintained at his own expense*"; and the said expense was estimated at between fifty and sixty thousand pounds sterling.

III. That the said requisition did suppose the *consent* of the Rajah, — the very word being inserted in the body of his, the said Warren Hastings's, minute; and the same was agreed to, though with some doubts on the parts of two of his colleagues, Mr. Francis and Mr. Wheler, concerning the right of making the same, even worded as it was. But Mr. Francis and Mr. Wheler, soon after, finding that the Rajah was much alarmed by this departure from the treaty, the requisition aforesaid was strenuously opposed by

them. The said Hastings did, notwithstanding this opposition, persevere, and by his casting vote alone did carry the said unjust and oppressive demand. The Rajah submitted, after some murmuring and remonstrance, to pay the sum required, — but on the express condition (as has been frequently asserted by him to the said Warren Hastings without any contradiction) that the exaction should continue *but for one year, and should not be drawn into precedent.* He also requested that the extraordinary demand should be paid along with the instalments of his monthly tribute: but although the said Warren Hastings did not so much as pretend that the instant payment was at all necessary, and though he was urged by his before-mentioned colleagues to moderate his proceedings, he did insist upon immediate payment of the whole; and did deliver his demand in proud and insulting language, wholly unfit for a governor of a civilized nation to use towards eminent persons in alliance with and in honorable and free dependence upon its government; and did support the same with arguments full of unwarrantable passion, and with references to reports affecting merely his own personal power and consideration, which reports were not proved, nor attempted to be proved, and, if proved, furnishing reasons insufficient for his purpose, and indecent in any public proceedings. That the said Hastings did cause the said sums of money to be rigorously exacted, although no such regular battalions as he pretended to establish, as a color for his demand on the Rajah, were then raised, or any steps taken towards raising them; and when the said Rajah pleaded his inability to pay the whole sum at once, he, the said Hastings, persevering in his

said outrageous and violent demeanor, did order the Resident to wait on the Rajah forthwith, and "demand of him in person, and by writing, the full payment in specie to be made to him within five days of such demand, and to declare to him, in the name of this government, that his evading or neglecting to accomplish the payment thereof within that space of time should be deemed *equivalent to an absolute refusal;* and in case of non-compliance with this [the Resident's] demand, *we peremptorily enjoin you to refrain from all further intercourse with him*": the said Hastings appearing by all his proceedings to be more disposed to bring on a quarrel with the Prince of Benares, than to provide money for any public service.

IV. That the said demand was complied with, and the whole thereof paid on the 10th of October that year. And the said Rajah did write to the said Hastings a letter, in order to mitigate and mollify him, declaring to the said Hastings that his sole reliance was on him, "and that in every instance he depended on his faith, religion, promises, and actions." But he, the said Warren Hastings, as if the being reminded of his faith and promises were an incentive to him to violate the same, although he had agreed that his demand should not be drawn into precedent, and the payment of the fifty thousand pounds aforesaid should continue only for one year, did, the very day after he had received the letter aforesaid, renew a demand of the same nature and on the same pretence, this year even less plausible than the former, of three battalions *to be* raised. The said Rajah, on being informed of this requisition, did remind the said Warren Hast-

ings that he engaged in the last year that but one payment should be made, and that he should not be called upon in future, and, pleading inability to discharge the new demand, declared himself in the following words to the said Warren Hastings: "I am therefore hopeful you will be kindly pleased to excuse me the five lacs now demanded, and that nothing may be demanded of me beyond the amount expressed in the pottah."

V. That on the day after the receipt of this letter, that is, on the 28th August, 1779, he, the said Warren Hastings, made a reply to the said letter; and without any remark whatsoever on the allegation of the Rajah, stating to him his engagement, that he, the said Rajah, should not be called upon in future, he says, "I now repeat my demand, that you do, on the receipt of this, without evasion or delay, pay the five lac of rupees into the hands of Mr. Thomas Graham, who has orders to receive it from you, and, in case of your refusal, to summon the two battalions of sepoys under the command of Major Camac to Benares, that measures may be taken to oblige you to a compliance; and in this case, the whole expense of the corps, from the time of its march, will fall on you."

VI. That the said Rajah did a second and third time represent to the said Warren Hastings that he had broke his promise, and the said Hastings did in no manner deny the same, but did, in contempt thereof, as well as of the original treaty between the Company and the Rajah, order two battalions of troops to march into his territories, and in a

manner the most harsh, insulting, and despotic, as if to provoke that prince to some act of resistance, did compel him to the payment of the said second unjust demand; and did extort also the sum of two thousand pounds, on pretence of the charge of the troops employed to coerce him.

VII. That the third year, that is to say, in the year 1780, the same demand was, with the same menaces, renewed, and did, as before, produce several humble remonstrances and submissive complaints, which the said Hastings did always treat as crimes and offences of the highest order; and although in the regular subsidy or tribute, which was monthly payable by treaty, fifty days of grace were allowed on each payment, and after the expiration of the said fifty days one quarter per cent only was provided as a penalty, he, the said Warren Hastings, on some short delay of payment of his third arbitrary and illegal demand, did presume of his own authority to impose a fine or mulct of ten thousand pounds on the said Rajah; and though it does not appear whether or no the same was actually levied, the said threat was soon after followed by an order from the said Hastings for the march of troops into the country of Benares, as in the preceding year.

VIII. That, these violent and insulting measures failing to provoke the Rajah, and he having paid up the whole demand, the said Warren Hastings, being resolved to drive him to extremities, did make on the said Rajah a sudden demand, over and above the ordinary tribute or subsidy of 260,000*l.* per annum, and over and above the 50,000*l.* extraordinary, to

provide a body of cavalry for the service of the Bengal government.

IX. The demand, as expressed in the Minute of Consultation, and in the public instructions of the board to the Resident to make the requisition, is "for such part of the cavalry entertained in his service as he can spare"; and the demand is in this and in no other manner described by the Governor-General and Council in their letter to the Court of Directors. But in a Narrative of the said Warren Hastings's, addressed to Edward Wheler, Esquire, it appears, that, upon the Rajah's making difficulties, according to the representation of the said Hastings, relative to the said requisition, the correspondence concerning which the said Hastings hath fraudulently suppressed, he, the said Hastings, instead of adhering to the requisition of such cavalry *as the Rajah could spare*, and which was all that by the order of Council he was authorized to make, did, of his own private and arbitrary authority, in some letter which he hath suppressed, instruct the Resident, Markham, to make a peremptory demand for two thousand cavalry, which he well knew to be more than the Rajah's finances could support, estimating the provision for the same at 96,000*l.* a year at the lowest, though the expense of the same would probably have been much more: which extravagant demand the said Hastings could only have made in hopes of provoking the Rajah to some imprudent measure or passionate remonstrance. And this arbitrary demand of cavalry was made, and peremptorily insisted on, although in the original treaty with the said Rajah it was left entirely optional whether or not he should keep up any cav-

alry at all, and in the Minute of Consultation it was expressly mentioned to be thus optional, and that for whatsoever cavalry he, the said Rajah, should furnish, he should be paid fifteen rupees per month for each private, and so in proportion for officers: yet the demand aforesaid was made without any offer whatsoever of providing the said payment according to treaty.

X. That the said Hastings did soon after, but upon what grounds does not appear by any Minute of Council, or from any correspondence contained in his Narrative, reduce the demand to fifteen hundred, and afterwards to one thousand: by which he showed himself to be sensible of the extravagance of his first requisition.

XI. That, in consequence of these requisitions, as he asserts in his Narrative aforesaid, the Rajah "did offer two hundred and fifty horse, but sent none." But the said Hastings doth not accompany his said Narrative with any voucher or document whatever; and therefore the account given by the Rajah, and delivered to the said Warren Hastings himself, inserted by the said Warren Hastings himself in his Narrative, and in no part thereof attempted to be impeached, is more worthy of credit: that is to say, —

"With respect to the horse, you desired me in your letter to inform you of what number I could afford to station with you. I sent you a particular account of all that were in my service, amounting to one thousand three hundred horse, of which several were stationed at distant places; but I received no answer to this. Mr. Markham delivered me an order

to prepare a thousand horse. In compliance with your wishes I collected five hundred horse, and a substitute for the remainder, five hundred *burkundasses* [matchlock-men], of which I sent you information; and I told Mr. Markham that they were ready to go to whatever place they should be sent. No answer, however, came from you on this head, and I remained astonished at the cause of it. Repeatedly I asked Mr. Markham about an answer to my letter about the horse; but he told me that he did not know the reason of no answer having been sent. I remained astonished."

XII. That the said Hastings is guilty of an high offence in not giving an answer to letters of such importance, and in concealing the said letters from the Court of Directors, as well as much of his correspondence with the Residents, — and more particularly in not directing to what place the cavalry and matchlock-men aforesaid should be sent, when the Rajah had declared they were ready to go to whatever service should be destined for them, and afterwards in maliciously accusing the Rajah for not having sent the same.

XIII. That, on the 3d of February, 1781, a new demand for the support of the three fictitious battalions of sepoys aforesaid was made by the said Warren Hastings; but whilst the Rajah was paying by instalments the said arbitrary demand, the said Rajah was alarmed with some intelligence of secret projects on foot for his ruin, and, being well apprised of the malicious and revengeful temper of the said Hastings, in order to pacify him, if possible, offered to redeem

himself by a large ransom, to the amount of two hundred thousand pounds sterling, to be paid for the use of the Company. And it appears that the said alarm was far from groundless; for Major Palmer, one of the secret and confidential agents of the said Hastings, hath sworn, on the 4th of December, 1781, at the desire of the said Warren Hastings, before Sir Elijah Impey, to the following effect, that is to say: "That the said Warren Hastings had told him, the said Palmer, that he, the said Hastings, had rejected the offer of two hundred thousand pounds made by the Rajah of Benares for the public service, and that he was resolved *to convert the faults committed by the Rajah into a public benefit*, and would exact the sum of five hundred thousand pounds, as a punishment for his breach of engagements with the government of Bengal, and acts of misconduct in his zemindary; and if the Rajah should absolutely refuse the demand, that he would deprive him of his zemindary, or transfer the sovereignty thereof to the Nabob of Oude."

XIV. And Mr. Anderson, in his declaration from Sindia's camp, of the 4th of January, 1782, did also, at the desire of Mr. Hastings, depose (though not on oath) concerning a conversation between him and the said Hastings (but mentioning neither the time nor place where the same was held); in which conversation, after reciting the allegations of the said Hastings relative to several particulars of the delay and backwardness of the Rajah in paying the aforesaid extra demand, and his resolution to exact from the Rajah "a considerable sum of money to the relief of the Company's exigencies," he proceeds in the following words: "That, if he [the Rajah] consented,

you [the said Warren Hastings] were desirous of *establishing his possessions on the most permanent and eligible footing;* but if he refused, you had it in your power to *raise a large sum* for the Company by accepting an offer which had been made for his districts by the Vizier." And the said Anderson, in the declaration aforesaid, made at the request of the said Hastings, and addressed to him, expressed himself as follows: "That you told me you had communicated our designs to Mr. Wheler [his only remaining colleague]; and I believe, but I do not positively recollect, you said he concurred in them." But no trace of any such communication or concurrence did, at the time referred to, or at any time ever after, appear on the Consultations, as it ought to have done; and the said Hastings is criminal for having omitted to enter and record the proceeding. That the said Wheler did also declare, but a considerable time after the date of the conversations aforesaid, that, "on the eve of the Governor-General's departure, the said Hastings had told him that the Rajah's offences (not stating what offences, he having paid up all the demands, ordinary and extraordinary) *were declared* to require early punishment; and as *his wealth was great, and the Company's exigencies pressing*, it was thought a measure of policy and of justice to exact from him a large pecuniary mulct for their relief. The sum to which the Governor declared his resolution to extend the fine was forty *or* fifty lacs; his ability to pay it was stated as a fact that could not admit of a doubt; and the two alternatives on which the Governor declared himself to have resolved were, to the best of my recollection, either a removal from his zemindary entirely, or, by

taking immediate possession of all his forts, to obtain out of the treasure deposited in them the above sum for the Company."

XV. That in the declaration of the said Wheler the time of the conversation aforesaid is stated to be on the eve of the Governor's departure, and then said to be confidential; nor is it said or insinuated that he knew or ever heard thereof at a more early period, though it appears by Major Palmer's affidavit that the design of taking, not four *or* five, but absolutely five, hundred thousand pounds from the Rajah, was communicated to him as early as the month of June. And it does not appear by the declarations of the said Wheler he did ever casually or officially approve of the measure; which long concealment and late communication, time not being allowed to his colleague to consider the nature and consequences of such a project, or to advise any precaution concerning the same, is a high misdemeanor.

XVI. That the said Hastings, having formed a resolution to execute one of the three violent and arbitrary resolutions aforesaid, — namely, to sell the Company's sovereignty over Benares to the Nabob of Oude, or to dispossess the Rajah of his territories, or to seize upon his forts, and to plunder them of the treasure therein contained, to the amount of four or five hundred thousand pounds, — did reject the offer of two hundred thousand pounds, tendered by the said Rajah for his redemption from the injuries which he had discovered that the said Hastings had clandestinely meditated against him, although the sum aforesaid would have been a considerable and season-

able acquisition at that time: the said Hastings being determined, at a critical period, to risk the existence of the British empire, rather than fail in the gratification of his revenge against the said Rajah.

XVII. That the first of his three instituted projects, namely, the depriving the Rajah of his territories, was by himself considered as a measure likely to be productive of much odium to the British government: he having declared, whatever opinions he might entertain of its justice, "that it would have an appearance of *severity*, and might furnish grounds *unfavorable to the credit of our government, and to his own reputation*, from the natural influence which every *act of rigor*, exercised in the persons of men in *elevated situations*, is apt to impress on those who are too remote from the scene of action to judge, by any evidence of the facts themselves, of their motives or propriety." And the second attempt, the sum of money which he aimed at by attacking the fortresses of the Rajah, and plundering them of the treasure supposed to be there secured, besides the obvious uncertainty of acquiring what was thus sought, would be liable to the same imputations with the former. And with regard to the third project, namely, the sale of the Company's sovereignty to the Nabob of Oude, and his having actually received proposals for the same, it was an high offence to the Company, as presuming, without their authority or consent, to put up to sale their sovereign rights, and particularly to put them up to sale to that very person against whom the independence of the said province had been declared by the Governor-General and Council to be necessary, as a barrier for the security of the

other provinces, in case of a future rupture with him.* It was an heinous injury to the said Rajah to attempt to change his relation without his consent, especially on account of the person to whom he was to be made over for money, by reason of the known enmity subsisting between his family and that of the Nabob, who was to be the purchaser; and it was a grievous outrage on the innocent inhabitants of the zemindary of Benares to propose putting them under a person long before described by himself to the Court of Directors "to want the qualities of the head and heart requisite for his station"; and a letter from the British Resident at Oude, transmitted to the said Court, represents him "to have wholly lost, by his *oppressions*, the confidence and affections of his own subjects"; and whose distresses, and the known disorders in his government, he, the said Hastings, did attribute solely to his own bad conduct and evil character; admitting also, in a letter written to Edward Wheler, Esquire, and transmitted to the Court of Directors, "that many circumstances did favor suspicion of his [the said Nabob's] fidelity to the English interest, the Nabob being surrounded by men base in their characters and improvident in their understandings, his favorites, and his companions of his looser hours. These had every cause to dread the effect of my influence on theirs; and both these, and the relations of the family, whose views of consequence and power were intercepted by our participation in the administration of his affairs, entertained a mortal hatred to our nation, and openly avowed it." And the said Hastings was well aware, that, in case the Nabob, by him described in the manner aforesaid,

* See Hastings's Letter.

on making such purchase, should continue to observe the terms of his father's original covenants and engagements with the Rajah, and should pay the Company the only tribute which he could lawfully exact from the said Rajah, it was impossible that he could, for the mere naked and unprofitable rights of a sovereignty paramount, afford to offer so great a sum as the Rajah did offer to the said Hastings for his redemption from oppression; such an acquisition to the Nabob (while he kept his faith) could not possibly be of any advantage whatever to him; and that therefore, if a great sum was to be paid by the Nabob of Oude, it must be for the purpose of oppression and violation of public faith, to be perpetrated in the person of the said Nabob, to an extent and in a manner which the said Hastings was then apprehensive he could not justify to the Court of Directors as his own personal act.

PART III.

EXPULSION OF THE RAJAH OF BENARES.

I. THAT the said Warren Hastings, being resolved on the ruin of the Rajah aforesaid, as a preliminary step thereto, did, against the express orders of the Court of Directors, remove Francis Fowke, Esquire, the Company's Resident at the city of Benares, without any complaint or pretence of complaint whatsoever, but merely on his own declaration that he must have as a Resident at Benares a person of his own special and personal nomination and confidence, and not a man of the Company's nomination,—and in the place of the said Francis Fowke, thus illegally divested of his office, did appoint thereto another servant of the Company of his own choice.

II. That, soon after he had removed the Company's Resident, he prepared for a journey to the upper provinces, and particularly to Benares, in order to execute the wicked and perfidious designs by him before meditated and contrived: and although he did communicate his purpose privately to such persons as he thought fit to intrust therewith, he did not enter anything on the Consultations to that purpose, or record the principles, real or pretended, on which he had resolved to act, nor did he state any guilt in the Rajah which he intended to punish, or charge him, the said Rajah, with entertaining any hostile intentions, the effects of which were to be prevented by any strong measure; but, on the contrary, he did industriously conceal his real designs from the Court of Directors, and did fallaciously enter on the Consultations a minute declaratory of purposes wholly different therefrom, and which supposed nothing more than an amicable adjustment, founded on the treaties between the Company and the Rajah, investing himself by his said minute with "full power and authority to form *such* arrangements *with* the Rajah of Benares for the *better* government and management of his zemindary, and to perform such acts for the improvement of the interest which the Company possesses in it, as he shall think *fit and consonant to the mutual engagements subsisting between the Company and the Rajah*"; and for this and other purposes he did invest himself with the whole power of the Council, giving to himself an authority as if his acts had been the acts of the Council itself: which, though a power of a dangerous, unwarrantable, and illegal extent, yet does plainly imply the following limits, namely, that the acts done should be *arranged with* the Rajah,

that is, *with his consent;* and, secondly, that they should be consonant to the actual engagements between the parties; and nothing appears in the minute conferring the said power, which did express or imply any authority for depriving the Rajah of his government, or selling the sovereignty thereof to his hereditary enemy, or for the plunder of his fort-treasures.

III. That the said Warren Hastings, having formed the plans aforesaid for the ruin of the Rajah, did set out on a journey to the city of Benares with a great train, but with a very small force, not much exceeding six companies of regular black soldiers, to perpetrate some of the unjust and violent acts by him meditated and resolved on; and the said Hastings was met, according to the usage of distinguished persons in that country, by the Rajah of Benares with a very great attendance, both in boats and on shore, which attendance he did apparently intend as a mark of honor and observance to the place and person of the said Hastings, but which the said Hastings did afterwards groundlessly and maliciously represent as an indication of a design upon his life; and the said Rajah came into the pinnace in which the said Hastings was carried, and in a lowly and suppliant manner, alone, and without any guard or attendance whatsoever, entreated his favor; and being received with great sternness and arrogance, he did put his turban in the lap of the said Hastings, thereby signifying that he abandoned his life and fortune to his disposal, and then departed, the said Hastings not apprehending, nor having any reason to apprehend, any violence whatsoever to his person.

IV. That the said Hastings, in the utmost security and freedom from apprehension, did pursue his journey, and did arrive at the city of Benares on the 14th of August, 1781, some hours before the Rajah, who, soon after his arrival, intended to pay him a visit of honor and respect at his quarters, but was by the said Hastings rudely and insolently forbid, until he should receive his permission. And the said Hastings, although he had previously determined on the ruin of the said Rajah, in order to afford some color of regularity and justice to his proceedings, did, on the day after his arrival, that is, on the 15th day of August, 1781, send to the Rajah a charge in writing, which, though informal and irregular, may be reduced to four articles, two general, and two more particular: the first of the general being, "That he [the Rajah] had, by the means of his secret agents, endeavored to excite disorders in the government on which he depended"; the second, "That he had suffered the *daily* perpetration of robberies and murders, even in the streets of Benares, to the great and public scandal of the English name."

V. That it appears that the said Warren Hastings is guilty of an high offence, contrary to the fundamental principles of justice, in the said mode of charging misdemeanors, without any specification of person or place or time or act, or any offer of specification or proofs by which the party charged may be enabled to refute the same, in order to unjustly load his reputation, and to prejudice him with regard to the articles more clearly specified.

VI. That the two specified articles relate to cer-

tain delays: the first, with regard to the payment of the sums of money unjustly extorted as aforesaid; and the second, the non-compliance with a requisition of cavalry, — which non-compliance the said Hastings (even if the said charges had been founded) did falsely, and in contradiction to all law, affirm and maintain (in his accusation against the Rajah, and addressing himself to him) "to amount to a *direct* charge of disaffection and *infidelity* to the government on which you depend": and further proceeded as follows: "I therefore judged it proper to state them [the said charges] thus fully to you in writing, and to *require* your answer; and this I expect *immediately*." That the said Hastings, stating his pretended facts to amount to a charge of the nature (as he would have it understood) of high treason, and *therefore* calling for an *immediate* answer, did wilfully act against the rules of natural justice, which requires that a convenient time should be given to answer, proportioned to the greatness of the offence alleged, and the heavy penalties which attend it; and when he did arrogate to himself a right both to charge and to judge in his own person, he ought to have allowed the Rajah full opportunity for conferring with his ministers, his doctors of law, and his accountants, on the facts charged, and on the criminality inferred in the said accusation of disloyalty and disaffection, or offences of that quality.

VII. That the said Rajah did, under the pressure of the disadvantages aforesaid, deliver in, upon the very evening of the day of the charge, a full, complete, and specific answer to the two articles therein specified; and did allege and offer proof that the whole of

the extraordinary demands of the said Hastings had been actually long before paid and discharged; and did state a proper defence with regard to the cavalry, even supposing him bound (when he was not bound) to furnish any. And the said Rajah did make a direct denial of the truth of the two *general* articles, and did explain himself on the same in as satisfactory a manner and as fully as their nature could permit, offering to enter into immediate trial of the points in issue between him and the said Hastings, in the remarkable words following. "My enemies, with a view to my ruin, have made false representations to you. Now that, *happily for me*, you have yourself arrived at this place, you will be able to ascertain all the circumstances: first, relative to the horse; secondly, to my people going to Calcutta; and thirdly, the dates of the receipts of the particular sums above mentioned. You will then know whether I have amused you with a false representation, or made a just report to you." And in the said answer the said Rajah complained, but in the most modest terms, of an injury to him of the most dangerous and criminal nature in transactions of such moment, namely, his not receiving any answer to his letters and petitions, and concluded in the following words. "I have never swerved in the smallest degree from my duty to you. It remains with you to decide on all these matters. I am in every case your slave. What is just I have represented to you. May your prosperity increase!"

VIII. That the said Warren Hastings was bound by the essential principles of natural justice to attend to the claim made by the Rajah to a fair and impartial trial and inquiry into the matter of accusation

brought against him by the said Hastings, at a time and place which furnished all proper materials and the presence of all necessary witnesses; but the said Hastings, instead of instituting the said inquiry and granting trial, did receive an humble request for justice from a great prince as a fresh offence, and as a personal insult to himself, and did conceive a violent passion of anger and a strong resentment thereat, declaring that he did consider the said answer as not only unsatisfactory in substance, but offensive in style. "This answer you will perceive to be not only unsatisfactory in substance, but offensive in style, and less a vindication of himself than a recrimination on me. It expresses no concern for the causes of complaint contained in my letter, or desire to atone for them, nor the smallest intention to pursue a different line of conduct. An answer couched nearly *in terms of defiance* to requisitions of so serious a nature I could not but consider as *a strong indication of that spirit of independency* which the Rajah has for some years past assumed, and of which indeed I had early observed other manifest symptoms, both before and from the instant of my arrival." Which representation is altogether and in all parts thereof groundless and injurious; as the substance of the answer is a justification proper to be pleaded, and the style, if in anything exceptionable, it is in its extreme humility, resulting rather from an unmanly and abject spirit than from anything of an offensive liberty; but being received as disrespectful by the said Hastings, it abundantly indicates the tyrannical arrogance of the said Hastings, and the depression into which the natives are sunk under the British government.

IX. That the said Warren Hastings, pretending to have been much alarmed at the offensive language of the said Rajah's defence, and at certain appearances of independency which he had observed, not only on former occasions, but since his arrival at Benares, (where he had been but little more than one day,) and which appearances he never has specified in any one instance, did assert that he conceived himself indispensably obliged to adopt some decisive plan; and without any further inquiry or consultation (which appears) with any person, did, at ten o'clock of the very night on which he received the before-mentioned full and satisfactory as well as submissive answer, send an order to the British Resident (then being a public minister representing the British government at the court of the said Rajah, and as such bound by the law of nations to respect the prince at whose court he was Resident, and not to attempt anything against his person or state, and who ought not, therefore, to have been chosen by the said Hastings, and compelled to serve in that business) that he should on the next morning arrest the said prince in his palace, and keep him in his custody until further orders; which said order being conceived in the most peremptory terms, the Rajah was put under arrest, with a guard of about thirty orderly sepoys, with their swords drawn; and the particulars thereof were reported to him as follows.

"Honorable Sir, — I this morning, in obedience to your orders of last night, proceeded with a few of my orderlies, accompanied by Lieutenant Stalker, to Shewalla Ghaut, the present residence of Rajah Cheyt Sing, and acquainted him it was your pleasure he

should consider himself in arrest; that he should order his people to behave in a quiet and orderly manner, for that any attempt *to rescue him would be attended with his own destruction. The Rajah submitted quietly to the arrest*, and assured me, that, whatever were your orders, he was ready implicitly to obey; he hoped that you would allow him a *subsistence*, but as for *his zemindary, his forts, and his treasure, he was ready to lay them at your feet, and his life, if required.* He expressed himself much hurt at the ignominy which he affirmed must be the consequence of his confinement, and entreated me to return to you with the foregoing submission, hoping that you would make allowances for his youth and inexperience, and in consideration of his father's name release him from his confinement, as soon as he should prove the sincerity of his offers, and himself deserving of your compassion and forgiveness."

X. That a further order was given, that every servant of the Rajah's should be disarmed, and a certain number only left to attend him under a strict watch. In a quarter of an hour after this conversation, two companies of grenadier sepoys were sent to the Rajah's palace by the said Hastings; and the Rajah, being dismayed by this unexpected and unprovoked treatment, wrote two short letters or petitions to the said Hastings, under the greatest apparent dejection at the outrage and dishonor he had suffered in the eyes of his subjects, (all imprisonment of persons of rank being held in that country as a mark of indelible infamy, and he also, in all probability, considering his imprisonment as a prelude to the taking away his life,) and in the first of the said petitions he did ex-

press himself in this manner: "Whatever may be your pleasure, do it with your own hands; I am your slave. What occasion can there be for a guard?" And in the other: "My honor was bestowed upon me by your Highness. It depends on you alone to take away or not to take away the country out of my hands. In case my honor is not left to me, how shall I be equal to the business of the government? Whoever, with his hands in a supplicating posture, is ready with his life and property, what necessity can there be for him to be dealt with in this way?"

XI. That, according to the said Hastings's narrative of this transaction, he, the said Hastings, on account of the apparent despondency in which these letters were written, "thought it *necessary* to give him *some* encouragement," and therefore wrote him a note of a few lines, carelessly and haughtily expressed, and little calculated to relieve him from his uneasiness, promising to send to him a person to explain particulars, and desiring him "to set his mind at rest, and not to conceive any terror or apprehension." To which an answer of great humility and dejection was received.

XII. That the report of the Rajah's arrest did cause a great alarm in the city, in the suburbs of which the Rajah's palace is situated, and in the adjacent country. The people were filled with dismay and anger at the outrage and indignity offered to a prince under whose government they enjoyed much ease and happiness. Under these circumstances the Rajah desired leave to perform his ablutions; which was refused, unless he sent for water, and performed

that ceremony on the spot. This he did. And soon after some of the people, who now began to surround the palace in considerable numbers, attempting to force their way into the palace, a British officer, commanding the guard upon the Rajah, struck one of them with his sword. The people grew more and more irritated; but a message being sent from the Rajah to appease them, they continued, on this interposition, for a while quiet. Then the Rajah retired to a sort of stone pavilion, or bastion, to perform his devotions, the guard of sepoys attending him in this act of religion. In the mean time a person of the meanest station, called a *chubdar*, at best answering to our common beadle or tipstaff, was sent with a message (of what nature does not appear) from Mr. Hastings, or the Resident, to the prince under arrest: and this base person, without regard to the rank of the prisoner, or to his then occupation, addressed him in a rude, boisterous manner, "passionately and insultingly," (as the said Rajah has without contradiction asserted,) "and, reviling him with a loud voice, gave both him and his people the vilest abuse"; and the manner and matter being observable and audible to the multitude, divided only by an open stone lattice from the scene within, a firing commenced from without the palace; on which the Rajah again interposed, and did what in him lay to suppress the tumult, until, an English officer striking him with a sword, and wounding him on the hand, the people no longer kept any measures, but broke through the inclosure of the palace. The insolent tipstaff was first cut down, and the multitude falling upon the sepoys and the English officers, the whole, or nearly the whole, were cut to pieces: the soldie s

having been ordered to that service without any charges for their pieces. And in this tumult, the Rajah, being justly fearful of falling into the hands of the said Hastings, did make his escape over the walls of his palace, by means of a rope formed of his turban tied together, into a boat upon the river, and from thence into a place of security; abandoning many of his family to the discretion of the said Hastings, who did cause the said palace to be occupied by a company of soldiers after the flight of the Rajah.

XIII. That the Rajah, as soon as he had arrived at a place of refuge, did, on the very day of his flight, send a suppliant letter to the said Hastings, filled with expressions of concern (affirmed by the said Hastings to be slight expressions) for what had happened, and professions (said by the said Hastings to be indefinite and unapplied) of fidelity: but the said Warren Hastings, though bound by his duty to hear the said Rajah, and to prevent extremities, if possible, being filled with insolence and malice, did not think it "*becoming* of him to make any reply to it; and that he *thought* he ordered the bearer of the letter to be told that *it required none.*"

XIV. That this letter of submission having been received, the said Rajah, not discouraged or provoked from using every attempt towards peace and reconciliation, did again apply, on the very morning following, to Richard Johnson, Esquire, for his interposition, but to no purpose; and did likewise, with as little effect, send a message to Cantoo Baboo, native steward and confidential agent of the said Hastings, which was afterwards reduced into writing, "to ex-

culpate himself from any concern in what had passed, and to profess his obedience to his *will* [Hastings's] *in whatever* way he should dictate." But the said Hastings, for several false and contradictory reasons by him assigned, did not take any advantage of the said opening, attributing the same to artifice in order to gain time; but instead of accepting the said submissions, he did resolve upon flight from the city of Benares, and did suddenly fly therefrom in great confusion.

XV. That the said Hastings did persevere in his resolutions not to listen to any submission or offer of accommodation whatsoever, though several were afterwards made through almost every person who might be supposed to have influence with him, but did cause the Rajah's troops to be attacked and fallen upon, though they only acted on the defensive, (as the Rajah has without contradiction asserted,) and thereby, and by his preceding refusal of propositions of the same nature, and by other his perfidious, unjust, and tyrannical acts by him perpetrated and done, and by his total improvidence in not taking any one rational security whatsoever against the inevitable consequences of those acts, did make himself guilty of all the mutual slaughter and devastation which ensued, as well as, in his opinion, of the imminent danger of the total subversion of the British power in India by the risk of his own person, which he asserts that it did run, — as also "that it ought not to be thought that he attributed too much consequence to his personal safety, when he supposed *the fate of the British empire in India connected with it*, and that, mean as its substance may be, its accidental qualities

were equivalent to those which, like the characters of a talisman in the Arabian mythology, formed the *essence* of the state itself, representation, title, and the *estimate* of the public opinion; that, had he fallen, such a stroke would be universally considered as decisive of the national fate; every state round it would have started into arms against it, and *every subject of its own dominion would, according to their several abilities, have become its enemy*": and that he knew and has declared, that, though the said stroke was not struck, that great convulsions did actually ensue from his proceedings, "that half the province of Oude was in a state of as complete rebellion as that of Benares," and that invasions, tumults, and insurrections were occasioned thereby in various other parts.

XVI. That the said Warren Hastings, after he had collected his forces from all parts, did, with little difficulty or bloodshed, subsequent to that time, on the part of his troops, and in a few days, entirely reduce the said province of Benares; and did, after the said short and little resisted hostility, in cold blood, issue an order for burning a certain town, in which he accused the people at large of having killed, "upon what provocation he knows not," certain wounded sepoys, who were prisoners: which order, being *generally* given, when it was his duty to have made some inquiry concerning the particular offenders, but which he did never make, or cause to be made, was cruel, inhuman, and tended to the destruction of the revenues of the Company; and that this, and other acts of devastation, did cause the loss of two months of the collections.

XVII. That the said Warren Hastings did not only refuse the submissions of the said Rajah, which were frequently repeated through various persons after he had left Benares, and even after the defeat of certain of the Company's forces, but did proscribe and except him from the pardons which he issued after he had satisfied his vengeance on the province of Benares.

XVIII. That the said Warren Hastings did send to a certain castle, called Bidzigur, the residence of a person of high rank, called Panna, the mother of the Rajah of Benares, with whom his wife, a woman described by the said Hastings "to be of an amiable character," and all the other women of the Rajah's family, and the survivors of the family of his father, Bulwant Sing, did then reside, a body of troops to dispossess them of her said residence, and to seize upon her money and effects, although she did not stand, even by himself, accused of any offence whatsoever, — pretending, but not proving, and not attempting to prove, then nor since, that the treasures therein contained were the property of the Rajah, and not her own; and did, in order to stimulate the British soldiery to rapine and outrage, issue to them several barbarous orders, contrary to the practice of civilized nations, relative to their property, movable and immovable, attended with unworthy and unbecoming menaces, highly offensive to the manners of the East and the particular respect there paid to the female sex, — which letters and orders, as well as the letters which he had received from the officers concerned, the said Hastings did unlawfully suppress, until forced by the disputes between him and the said

officers to discover the same: and the said orders are as follow.

"I am this instant favored with yours of yesterday. Mine of the same date [22d October, 1781] has before this time acquainted you with my resolutions and sentiments respecting the Rannee [the mother of the Rajah Cheyt Sing]. I think every demand she has made to you, except that of safety and respect for her person, is unreasonable. If the reports brought to me are true, *your rejecting her offers, or any negotiations with her*, would soon obtain you possession of the fort upon your own terms. I apprehend that she will contrive *to defraud the captors of a considerable part of the booty by being suffered to retire without examination. But this is your consideration, and not mine. I should be very sorry that your officers and soldiers lost ANY PART of the reward to which they are so well entitled;* but I cannot make any objection, as you must be the best judge of the expediency of the *promised* indulgence to the Rannee. What you have engaged for I will certainly ratify; but as to permitting the Rannee to hold the purgunnah of Hurluk, or any other in the zemindary, without being subject to the authority of the zemindar, or any lands whatever, *or indeed making any conditions with her for a provision, I will never consent to it.*" And in another letter to the same person, dated Benares, 3d of November, 1781, in which he, the said Hastings, consents that the said woman of distinction should be allowed to evacuate the place and to receive protection, he did express himself as follows. "I am willing to grant her now the same conditions to which I at first consented, provided that she delivers into your possession, within twenty-four hours from the time of re-

ceiving your message, the fort of Bidzigur, with the treasure and effects lodged therein by Cheyt Sing or any of his adherents, with the reserve only, as above mentioned, of such articles *as you shall think necessary to her sex and condition*, or as you shall be disposed *of yourself to indulge her with.* If she complies, as I expect she will, it will be your part to secure the fort and the property it contains *for the benefit of yourself and detachment.* I have only further to request that you will grant an escort, if Panna should require it, to conduct her here, or wherever she may choose to retire to. But should she refuse to execute the promise she has made, *or delay it beyond the term of twenty-four hours*, it is my *positive* injunction that you immediately put a stop to any further intercourse or negotiation with her, and on no pretext renew it. If she disappoints *or trifles* with me, after I have subjected my duan to the disgrace of returning ineffectually, and of course myself to discredit, I shall consider it as a *wanton affront and indignity which I can never forgive*, nor will I grant her any conditions whatever, but leave her exposed to *those dangers* which she has chosen to risk rather than trust to the clemency and generosity of our government. I think *she cannot be ignorant of these consequences, and will not venture to incur them;* and it is for this reason I place a dependence on her offers, and have consented to send my duan to her."

XIX. That the castle aforesaid being surrendered upon terms of safety, and on express condition of not attempting to search their persons, the woman of rank aforesaid, her female relations and female dependants, to the number of three hundred, besides children,

evacuated the said castle; but the spirit of rapacity being excited by the letters and other proceedings of the said Hastings, the capitulation was shamefully and outrageously broken, and, in despite of the endeavors of the commanding officer, the said woman of high condition, and her female dependants, friends, and servants, were plundered of the effects they carried with them, and which were reserved to them in the capitulation of their fortress, and in their persons were otherwise rudely and inhumanly dealt with by the licentious followers of the camp: for which outrages, represented to the said Hastings with great concern by the commanding officer, Major Popham, he, the said Hastings, did afterwards recommend a late and fruitless redress.

XX. That the Governor-General, Warren Hastings, in exciting the hopes of the military by declaring them *well entitled to the plunder* of the fortress aforesaid, the residence of the mother and other women of the Rajah of Benares, and by wishing the troops to secure the same for their own benefit, did advise and act in direct contradiction to the orders of the Court of Directors, and to his own opinion of his public duty, as well as to the truth and reality thereof, — he having some years before entered in writing the declaration which follows.

"The very idea of *prize-money* suggests to my remembrance *the former disorders which arose in our army from this source, and had almost proved fatal to it.* Of this circumstance you must be sufficiently apprised, and of the necessity for discouraging every expectation of this kind amongst the troops. *It is to be avoided like poison.* The bad effects of a similar

measure were but too plainly felt in a former period, and our honorable masters did not fail on that occasion to reprobate with their censure, in the most severe terms, a practice which they regarded as the source of infinite evils, and which, if established, would in their judgment necessarily bring corruption and ruin on their army."

XXI. That the said Hastings, after he had given the license aforesaid, and that in consequence thereof the booty found in the castle, to the amount of 23,27,813 current rupees, was distributed among the soldiers employed in its reduction, the said Hastings did retract his declaration of right, and his permission to the soldiers to appropriate to themselves the plunder, and endeavored, by various devices and artifices, to explain the same away, and to recover the spoil aforesaid for the use of the Company; and wholly failing in his attempts to resume by a breach of faith with the soldiers what he had unlawfully disposed of by a breach of duty to his constituents, he attempted to obtain the same as a loan, in which attempt he also failed; and the aforesaid money being the only part of the treasures belonging to the Rajah, or any of his family, that had been found, he was altogether frustrated in the acquisition of every part of that dishonorable object which alone he pretended to, and pursued through a long series of acts of injustice, inhumanity, oppression, violence, and bloodshed, at the hazard of his person and reputation, and, in his own opinion, at the risk of the total subversion of the British empire.

XXII. That the said Warren Hastings, after the

commission of the offences aforesaid, being well aware that he should be called to an account for the same, did, by the evil counsel and agency of Sir Elijah Impey, Knight, his Majesty's chief-justice, who was then out of the limits of his jurisdiction, cause to be taken at Benares, before or by the said Sir Elijah Impey, and through the intervention, not of the Company's interpreter, but of a certain private interpreter of his, the said Hastings's, own appointment, and a dependant on him, called Major Davy, several declarations and depositions by natives of Hindostan, — and did also cause to be taken before the said Sir Elijah Impey several attestations in English, made by British subjects, and which were afterwards transmitted to Calcutta, and laid before the Council-General, — some of which depositions were upon oath, some upon honor, and others neither upon *oath* nor *honor*, but all or most of which were of an irregular and irrelevant nature, and not fit or decent to be taken by a British magistrate, or to be transmitted to a British government.

XXIII. That one of the said attestations (but not on oath) was made by a principal minister of the Nabob of Oude, to whom the said Hastings had some time before proposed to sell the sovereignty of that very territory of Benares; and that one other attestation (not upon oath) was made by a native woman of distinction, whose son he, the said Hastings, did actually promote to the government of Benares, vacated by the unjust expulsion of the Rajah aforesaid, and who in her deposition did declare that she considered the expelled Rajah as her enemy, and that he never did confer with her, or suffer her to be acquainted with any of his designs.

XXIV. That, besides the depositions of persons interested in the ruin of the Rajah, others were made by persons who then received pensions from him, the said Hastings; and several of the affidavits were made by persons of mean condition, and so wholly illiterate as not to be able to write their names.

XXV. That he, the said Hastings, did also cause to be examined by various proofs and essays, the result of which was delivered in upon honor, the quality of certain military stores taken by the British troops from the said Rajah of Benares; and upon the report that the same were of a good quality, and executed by persons conversant in the making of good military stores, although the cannon was stated by the same authority to be bad, he, the said Warren Hastings, from the report aforesaid, did maliciously, and contrary to the principles of natural and legal reason, infer that the insurrection which had been raised by his own violence and oppression, and rendered for a time successful by his own improvidence, was the consequence of a premeditated design to overturn the British empire in India, and to exterminate therefrom the British nation; which design, if it had been true, the said Hastings might have known, or rationally conjectured, and ought to have provided against. And if the said Hastings had received any credible information of such design, it was his duty to lay the same before the Council Board, and to state the same to the Rajah, when he was in a condition to have given an answer thereto or to observe thereon, and not, after he had proscribed and driven him from his dominions, to have inquired into offences to justify the previous infliction of punishment.

XXVI. That it does not appear, that, in taking the said depositions, there was any person present on the part of the Rajah to object to the competence or credibility or relevancy of any of the said affidavits or other attestations, or to account, otherwise than as the said deponents did account, for any of the facts therein stated; nor were any copies thereof sent to the said Rajah, although the Company had a minister at the place of his residence, namely, in the camp of the Mahratta chief Sindia, so as to enable him to transmit to the Company any matters which might induce or enable them to do justice to the injured prince aforesaid. And it does not appear that the said Hastings has ever produced any witness, letter, or other document, tending to prove that the said Rajah ever did carry on any hostile negotiation whatever with any of those powers with whom he was charged with a conspiracy against the Company, previous to the period of the said Hastings's having arrested him in his palace, although he, the said Hastings, had various agents at the courts of all those princes, — and that a late principal agent and near relation of a minister of one them, the Rajah of Berar, called Benaram Pundit, was, at the time of the tumult at Benares, actually with the said Hastings, and the said Benaram Pundit was by him highly applauded for his zeal and fidelity, and was therefore by him rewarded with a large pension on those very revenues which he had taken from the Rajah Cheyt Sing, and if such a conspiracy had previously existed, the Mahratta minister aforesaid must have known, and would have attested it.

XXVII. That it appears that the said Warren

Hastings, at the time that he formed his design of seizing upon the treasures of the Rajah of Benares, and of deposing him, did not believe him guilty of that premeditated project for driving the English out of India with which he afterwards thought fit to charge him, or that he was really guilty of any other great offence: because he has caused it to be deposed, that, if the said Rajah should pay the sum of money by him exacted, "he would settle his zemindary upon him on the most eligible footing"; whereas, if he had conceived him to have entertained traitorous designs against the Company, from whom he held his tributary estate, or had been otherwise guilty of such enormous offences as to make it necessary to take extraordinary methods for coercing him, it would not have been proper for him to settle upon such a traitor and criminal the zemindary of Benares, or any other territory, upon the most eligible, or upon any other footing whatever: whereby the said Hastings has by his own stating demonstrated that the money intended to have been exacted was not as a punishment for crimes, but that the crimes were pretended for the purpose of exacting money.

XXVIII. That the said Warren Hastings, in order to justify the acts of violence aforesaid to the Court of Directors, did assert certain false facts, known by him to be such, and did draw from them certain false and dangerous inferences, utterly subversive of the rights of the princes and subjects dependent on the British nation in India, contrary to the principles of all just government, and highly dishonorable to that of Great Britain: namely, that the "Rajah of Benares was not a vassal or tributary

prince, and that the deeds which passed between him and the board, upon the transfer of the zemindary in 1775, were not to be understood to bear the quality and force of a treaty upon optional conditions between equal states; that the payments to be made by him were not a tribute, but a rent; and that the instruments by which his territories were conveyed to him did not differ from common grants to zemindars who were merely subjects; but that, being nothing more than a common zemindar and mere subject, and the Company holding the acknowledged rights of his former sovereign, held an absolute authority over him; that, in the known relations of zemindar to the sovereign authority, or power delegated by it, he owed a personal allegiance and an implicit and unreserved obedience to that authority, at the forfeiture of his zemindary, and even of his life and property." Whereas the said Hastings did well know, that, whether the payments from the Rajah were called *rent* or *tribute*, having been frequently by himself called the one and the other, and that of whatever nature the instruments by which he held might have been, he did not consider him as a common zemindar or landholder, but as far independent as a tributary prince could be: for he did assign as a reason for receiving his rent rather within the Company's province than in his own capital, that it would not "frustrate the intention of rendering the Rajah *independent;* that, if a Resident was appointed to receive the money as it became due at Benares, such a Resident would unavoidably acquire an influence over the Rajah, and over his country, which would in effect render him the master of both; that this consequence might not, perhaps, be brought completely to pass without a

struggle, and many appeals to the Council, which, in a government constituted like this, cannot fail to terminate against the Rajah, and, by the construction to which his opposition to the agent would be liable, might eventually draw on him severe restrictions, and end *in reducing him to the mean and depraved state of a zemindar.*"

XXIX. And the said Hastings, in the said Minute of Consultation, having enumerated the frauds, embezzlements, and oppressions which would ensue from the Rajah's being in the dependent state aforesaid, and having obviated all apprehensions from giving to him the implied symbols of dominion, did assert, "that, without such appearance, he would expect from every change of government additional demands to be made upon him, and would of course descend to all the arts of intrigue and concealment practised by other dependent Rajahs, which would keep him indigent and weak, and eventually prove hurtful to the Company; but that, by proper encouragement and protection, he might prove a profitable dependant, an useful barrier, and even a powerful ally to the Company; but that he would be neither, if the conditions of his connection with the Company were left open to future variations."

XXX. That, if the fact had been true that the Rajah of Benares was merely an eminent landholder or any other subject, the wicked and dangerous doctrine aforesaid, namely, that he owed a personal allegiance and an implicit and unreserved obedience to the sovereign authority, at the forfeiture of his zemindary, and even of his life and property, at the dis-

cretion of those who held or fully represented the sovereign authority, doth leave security neither for life nor property to any persons residing under the Company's protection; and that no such powers, nor any powers of that nature, had been delegated to the said Warren Hastings by any provisions of the act of Parliament appointing a Governor-General and Council at Fort William in Bengal.

XXXI. That the said Warren Hastings did also advance another dangerous and pernicious principle in justification of his violent, arbitrary, and iniquitous actings aforesaid: namely, "that, if he had acted with an unwarrantable rigor, and even injustice, towards Cheyt Sing, yet, first, if he did *believe* that extraordinary means were necessary, and those exerted with a strong hand, to preserve the Company's interests from sinking under the accumulated weight that oppressed them, or, secondly, if he saw a *political necessity* for curbing the *overgrown* power of a great member of their dominion, and to make it contribute to the relief of their pressing exigencies, that his error would be excusable, as prompted by an excess of zeal for their [the Company's] interest, operating with too strong a bias on his judgment; but that much stronger is the presumption that such acts are founded on just principles than that they are the result of a misguided judgment." That the said doctrines are, in both the members thereof, subversive of all the principles of just government, by empowering a governor with delegated authority, in the first case, on his own private *belief* concerning the necessities of the state, not to levy an impartial and equal rate of taxation suitable to the circumstances of the several members

of the community, but to select any individual from the same as an object of arbitrary and unmeasured imposition, — and, in the second case, enabling the same governor, on the same arbitrary principles, to determine whose property should be considered as overgrown, and to reduce the same at his pleasure.

PART IV.

SECOND REVOLUTION IN BENARES.

THAT the said Warren Hastings, after he had, in the manner aforesaid, unjustly and violently expelled the Rajah Cheyt Sing, the lord or zemindar of Benares, from his said lordship or zemindary, did, of his own mere usurped authority, and without any communication with the other members of the Council of Calcutta, appoint another person, of the name of Mehip Narrain, a descendant by the mother from the late Rajah, Bulwant Sing, to the government of Benares; and on account or pretence of his youth and inexperience (the said Mehip Narrain not being above twenty years old) did appoint his father, Durbege Sing, to act as his representative or administrator of his affairs; but did give a controlling authority to the British Resident over both, notwithstanding his declarations before mentioned of the mischiefs likely to happen to the said country from the establishment of a Resident, and his opinion since declared in a letter to the Court of Directors, dated from this very place (Benares) the 1st of October, 1784, to the same or stronger effect, in case "agents are sent into the country, and armed with authority for the purposes of vengeance and corruption, — *for to no other will they be applied.*"

That the said Warren Hastings did, by the same usurped authority, entirely set aside all the agreements made between the late Rajah and the Company (which were real agreements with the state of Benares, in the person of the lord or prince thereof, and his heirs); and without any form of trial, inquisition, or other legal process, for forfeiture of the privileges of the people to be governed by magistrates of their own, and according to their natural laws, customs, and usages, did, contrary to the said agreement, separate the mint and the criminal justice from the said government, and did vest the mint in the British Resident, and the criminal justice in a Mahomedan native of his own appointment; and did enhance the tribute to be paid from the province, from two hundred and fifty thousand pounds annually, limited by treaty, or thereabouts, to three hundred and thirty thousand pounds for the first year, and to four hundred thousand for every year after; and did compel the administrator aforesaid (father to the Rajah) to agree to the same; and did, by the same usurped authority, illegally impose, and cause to be levied, sundry injudicious and oppressive duties on goods and merchandise, which did greatly impair the trade of the province, and threaten the utter ruin thereof; and did charge several pensions on the said revenues, of his own mere authority; and did send and keep up various bodies of the Company's troops in the said country; and did perform sundry other acts with regard to the said territory, in total subversion of the rights of the sovereign and the people, and in violation of the treaties and agreements aforesaid.

That the said Warren Hastings, being absent, on

account of ill health, from the Presidency of Calcutta, at a place called Nia Serai, about forty miles distant therefrom, did carry on a secret correspondence with the Resident at Benares, and, under color that the instalments for the new rent or tribute were in arrear, did of his own authority make, in about one year, a second revolution in the government of the territory aforesaid, and did order and direct that Durbege Sing aforesaid, father of the Rajah, and administrator of his authority, should be deprived of his office and of his lands, and thrown into prison, and did threaten him with death: although he, the said Warren Hastings, had, at the time of the making his new arrangement, declared himself sensible that the rent aforesaid might require abatement; although he was well apprised that the administrator had been for two months of his administration in a weak and languid state of body, and wholly incapable of attending to the business of the collections; though a considerable drought had prevailed in the said province, and did consequently affect the regularity and produce of the collections; and though he had other sufficient reason to believe that the said administrator had not himself received from the collectors of government and the cultivators of the soil the rent in arrear: yet he, the said Warren Hastings, without any known process, or recording any answer, defence, plea, exculpation, or apology from the party, or recording any other grounds of rigor against him, except the following paragraph of a letter from the Resident, not only gave the order as aforesaid, but did afterwards, without laying any other or better ground before the Council-General, persuade them to, and did procure from them, a confirmation of the afore-

said cruel and illegal proceedings, the correspondence concerning which had not been before communicated: he pleading his illness for not communicating the same, though that illness did not prevent him from carrying on correspondence concerning the deposition of the said administrator, and other important affairs in various places.

That in the letter to the Council requiring the confirmation of his acts aforesaid the said Warren Hastings did not only propose the confinement of the said administrator at Benares, although by his imprisonment he must have been in a great measure disabled from recovering the balances due to him, and for the non-payment of which he was thus imprisoned, but did propose, as an alternative, his imprisonment at a remote fortress, out of the said territory, and in the Company's provinces, called Chunar: desiring them to direct the Resident at Benares "to exact from Baboo Durbege Sing every rupee of the collections which it shall appear that he has made and not brought to account, and either to confine him at Benares, or to send him a prisoner to Chunar, and to keep him in confinement until he shall have discharged the whole of the amount due from him." And the said Warren Hastings did assign motives of passion and personal resentment for the said unjust and rigorous proceedings, as follows: "I feel myself, and may be allowed on such an occasion to acknowledge it, personally hurt at the ingratitude of this man, and at the discredit which his ill conduct has thrown on my appointment of him. He has deceived me; he has offended against the government which I then represented." And as a further reason for depriving him of his jaghire, (or salary out of land,) he did

insinuate in the said letter, but without giving or offering any proof, "that the said Rajah had been guilty of *little and mean peculations*, although the appointments assigned to him had been sufficient to free him from the temptations thereto."

That it appears, as it might naturally have been expected, that the wife of the said administrator, the daughter of Bulwant Sing, the late Rajah of Benares, and her son, the reigning Rajah, did oppose to the best of their power, but by what remonstrances or upon what plea the said Warren Hastings did never inform the Court of Directors, the deposition, imprisonment, and confiscation of the estates of the husband of the one and the father of the other; but that the said Hastings, persisting in his malice, did declare to the said Council as follows: "The opposition made by the Rajah and the old Rannee, both equally incapable of judging for *themselves*, does certainly originate from some secret influence, which ought to be checked by a decided and peremptory declaration of the authority of the board, and a denunciation of their displeasure at *their presumption*."

That the said Warren Hastings, not satisfied with the injuries done and the insults and disgraces offered to the family aforesaid, did, in a manner unparalleled, except by an act of his own on another occasion, fraudulently and inhumanly endeavor to make the wife and son of the said administrator, contrary to the sentiments and the law of Nature, the instruments of his oppressions: directing, "that, if they" (the mother and son aforesaid) "could be *induced* to yield *the appearance of a cheerful acquiescence* in the new arrangement, and to adopt it as *a measure formed with their participation*, it would be better than that it

should be done by a declared act of compulsion; but that at all events it ought to be done."

That, in consequence of the pressing declarations aforesaid, the said Warren Hastings did on his special recommendation appoint, in opposition to the wishes and desires of the Rajah and his mother, another person to the administration of his affairs, called Jàgher Deo Seo.

That, the Company having sent express orders for the sending the Resident by them before appointed to Benares, the said Warren Hastings did strongly oppose himself to the same, and did throw upon the person appointed by the Company (Francis Fowke, Esquire) several strong, but unspecified, reflections and aspersions, contrary to the duty he owed to the Company, and to the justice he owed to all its servants.

That the said Resident, being appointed by the votes of the rest of the Council, in obedience to the reiterated orders of the Company, and in despite of the opposition of the said Hastings, did proceed to Benares, and, on the representation of the parties, and the submission of the accounts of the aforesaid Durbege Sing to an arbitrator, did find him, the said Durbege Sing, in debt to the Company for a sum not considerable enough to justify the severe treatment of the said Durbege Sing: his wife and son complaining, at or about the same time, that the balances due to him from the *aumils*, or sub-collectors, had been received by the new administrator, and carried to his own credit, in prejudice and wrong to the said Durbege Sing; which representation, the only one that has been transmitted on the part of the said sufferers, has not been contradicted.

That it appears that the said Durbege Sing did afterwards go to Calcutta for the redress of his grievances, and that it does not appear that the same were redressed, or even his complaints heard, but he received two peremptory orders from the Supreme Council to leave the said city and to return to Benares; that, on his return to Benares, and being there met by Warren Hastings aforesaid, he, the said Warren Hastings, although he had reason to be well assured that the said Durbege Sing was in possession of small or no substance, did again cruelly and inhumanly, and without any legal authority, order the said Durbege Sing to be strictly imprisoned; and the said Durbege Sing, in consequence of the vexations, hardships, and oppressions aforesaid, died in a short time after, insolvent, but whether in prison or not does not appear.

PART V.

THIRD REVOLUTION IN BENARES.

THAT the said Warren Hastings, having, in the manner before recited, divested Durbege Sing of the administration of the province of Benares, did, of his own arbitrary will and pleasure, and against the remonstrances of the Rajah and his mother, (in whose name and in whose right the said Durbege Sing, father of the one, and husband of the other, had administered the affairs of the government,) appoint a person called Jagher Deo Seo to administer the same.

That the new administrator, warned by the severe example made of his predecessor, is represented by the said Warren Hastings as having made it his

"avowed principle" (as it might be expected it should be) "that the sum fixed for the revenue *must* be collected." And he did, upon the principle aforesaid, and by the means suggested by a principle of that sort, accordingly levy from the country, and did regularly discharge to the British Resident at Benares, by monthly payments, the sums imposed by the said Warren Hastings, as it is asserted by the Resident, Fowke; but the said Warren Hastings did assert that his annual collections did not amount to more than Lac 37,37,600, or thereabouts, which he says is much short of the revenues of the province, and is by about twenty-four thousand pounds short of his agreement.

That it further appears, that, notwithstanding the new administrator aforesaid was appointed two months, or thereabouts, after the beginning of the Fusseli year, that is to say, about the middle of November, 1782, and the former administrator had collected a certain portion of the revenues of that year, amounting to 17,000*l.* and upwards, yet he, the said new administrator, upon the unjust and destructive principle aforesaid, suggested by the cruel and violent proceedings of the said Warren Hastings towards his predecessor, did levy on the province, within the said year, the whole amount of the revenues to be collected, in addition to the sum collected by his predecessor aforesaid.

That, on account of a great drought which prevailed in the province aforesaid, a remission of certain duties in grain was proposed by the chief criminal judge at Benares; but the administrator aforesaid, being fearful that the revenue should fall short in his hands, did strenuously oppose himself to the necessary relief to the inhabitants of the said city.

That, notwithstanding the cantonment of several bodies of the Company's troops within the province, since the abolition of the native government, it became subject in a particular manner to the depredations of the Rajahs upon the borders; insomuch that in one quarter no fewer than thirty villages had been sacked and burned, and the inhabitants reduced to the most extreme distress.

That the Resident, in his letter to the board at Calcutta, did represent that the collection of the revenue was become very difficult, and, besides the extreme drought, did assign for a cause of that difficulty the following. "That there is also one fund which in former years was often applied in this country to remedy temporary inconveniences in the revenue, and which in the present year does not exist. This was the private fortunes of merchants and *shroffs* [bankers] resident in Benares, from whom *aumils* [collectors] of credit could obtain temporary loans to satisfy the immediate calls of the Rajah. These sums, which used to circulate between the aumil and the merchant, have been turned into a different channel, by bills of exchange to defray the expenses of government, both on the west coast of India, and also at Madras." To which representation it does not appear that any answer was given, or that any mode of redress was adopted in consequence thereof.

That the said Warren Hastings, having passed through the province of Benares (Gazipore) in his progress towards Oude, did, in a letter dated from the city of Lucknow, the 2d of April, 1784, give to the Council Board at Calcutta an account, highly dishonorable to the British government, of the effect of the arrangements made by himself in the years 1781

and 1782, in the words following. "Having contrived, by making forced stages, while the troops of my escort marched at the ordinary rate, to make a stay of five days at Benares, I was thereby furnished with the means of acquiring some knowledge of the state of the province, which I am anxious to communicate to you. Indeed, the inquiry, which was *in a great degree obtruded upon me*, affected me with very mortifying reflections on my inability to apply it to any useful purpose. From the confines of Buxar to Benares I was followed and *fatigued* by the clamors of the discontented inhabitants. It was what I expected in a degree, because it is rare that the exercise of authority should prove satisfactory to all who are the objects of it. The distresses which were produced by the long-continued drought unavoidably tended to heighten the general discontent; *yet I have reason to fear that the cause existed principally in a defective, if not a corrupt and oppressive administration.* Of a multitude of petitions which were presented to me, and of which I took minutes, every one that did not relate to a personal grievance contained the representation of one and the same species of oppression, which is in its nature of an influence most fatal to the future cultivation. The practice to which I allude is this. It is affirmed that the aumils and renters exact from the proprietors of the actual harvest a large increase in kind on their stipulated rent: that is, from those who hold their *pottah* by the tenure of paying *one half* of the produce of their crops, either *the whole* without subterfuge, or a *large* proportion of it by *a false measurement* or other pretexts; and from those whose engagements are for a fixed rent *in money*, the half, or a greater proportion, is taken *in kind.*

This is in effect a tax upon the industry of the inhabitants: since there is scarce a field of grain in the province, *I might say not one*, which has not been preserved by the incessant labor of the cultivator, by digging wells for their supply, or watering them from the wells of masonry with which their country abounds, or from the neighboring tanks, rivers, and nullahs. The people who imposed on themselves this voluntary and extraordinary labor, and not unattended with expense, did it on the expectation of reaping the profits of it; and it is certain they would not have done it, if they had known that their rulers, *from whom they were entitled to an indemnification*, would take from them what they had so hardly earned. If the same administration continues, and the country shall again labor under a want of rain, *every field will be abandoned, the revenue fail, and thousands perish through want of subsistence:* for who will labor for the *sole* benefit of others, and to make himself the subject of exaction? These practices are to be imputed to the Naib himself" (the administrator forced by the said Warren Hastings on the present Rajah of Benares). "The avowed principle on which he acts, and which he acknowledged to myself, is, that the *whole* sum fixed for the revenue of the province *must* be collected, — and that, for this purpose, the deficiency arising in places where the crops have failed, or which have been left uncultivated, must be supplied from the resources of others, where the soil has been better suited to the season, or the industry of the cultivators hath been more successfully exerted: a principle which, however specious and plausible it may at first appear, *certainly tends to the most pernicious and destructive consequences.* If

this declaration of the Naib had been made only to myself, I might have doubted my construction of it; but it was repeated by him to Mr. Anderson, who understood it exactly in the same sense. In the management of the customs, the conduct of the Naib, or of the officer under him, was forced also upon my attention. *The exorbitant rates exacted by an arbitrary valuation of the goods*, the practice of exacting duties *twice* on the same goods, (first from the seller, and afterwards from the buyer,) and the vexations, disputes, and delays drawn on the merchants by these oppressions, were loudly complained of; and some instances of this kind were said to exist at the very time I was at Benares. Under such circumstances, we are not to wonder, if the merchants of foreign countries are discouraged from resorting to Benares, and if the commerce of that province should annually decay. *Other* evils, or imputed evils, have accidentally come to my knowledge, which I will not now particularize, as I hope, that, with the assistance of the Resident; they may be *in part* corrected. One evil I must mention, because it has been verified by my own observation, and is of that kind which reflects an unmerited reproach on our general and national character. When I was at Buxar, the Resident, at my desire, enjoined the Naib to appoint creditable people to every town through which our route lay, to persuade and encourage the inhabitants to remain in their houses, promising to give them guards as I approached, and they required it for their protection; and that he might perceive how earnest I was for his observation of this precaution, I repeated it to him in person, and dismissed him that he might precede me for that purpose. But, to my great disappointment,

I found every place through which I passed abandoned; nor had there been a man left in any of them for their protection. I am sorry to add, *that, from Buxar to the opposite boundary, I have seen nothing but traces of complete devastation in every village: whether caused by the followers of the troops which have lately passed, for their natural relief, (and I know not whether my own may not have had their share,)* or from the apprehensions of the inhabitants left to themselves, and of themselves deserting their houses. I wish to acquit my own countrymen of the blame of these unfavorable appearances, and in my own heart I do acquit them; for at one encampment a crowd of people came to me complaining that *their new aumil (collector), on the approach of any military detachment, himself first fled from the place; and the inhabitants, having no one to whom they could apply for redress, or for the representation of their grievances, and being thus remediless, fled also; so that their houses and effects became a prey to any person who chose to plunder them.* The general conclusion appeared to me an inevitable consequence from such a state of facts; and my own senses bore testimony to it in this specific instance: nor do I know how it is possible for any officer commanding a military party, how attentive soever he may be to the discipline and forbearance of his people, to prevent disorders, *when there is neither opposition to hinder nor evidence to detect them.* These and many other irregularities I impute *solely* to the Naib, and recommend his instant removal. I cannot help remarking, that, except the city of Benares, *the province is in effect without a government. The administration of the province is misconducted, and the people oppressed, trade discouraged, and the revenue in danger of a rapid decline, from the violent appropriation of its means.*"

That the said Warren Hastings did recommend to the Council, for a remedy of the disorders and calamities which had arisen from his own acts, dispositions, and appointments, that the administrator aforesaid should be instantly removed from his office, — attributing the aforesaid "irregularities, *and many others*, *solely* to him," although, on his own representation, it does appear that he was the sole cause of the irregularities therein described. Neither does it appear that the administrator, so by the said Hastings nominated and removed, was properly charged and called to answer for the said recited irregularities, or for the *many others* not recited, but *attributed solely* to him; nor has any plea or excuse from him been transmitted to the board, or to the Court of Directors; but he was, at the instance of the said Hastings, deprived of his said office, contrary to the principles of natural justice, in a violent and arbitrary manner; which proceeding, combined with the example made of his predecessor, must necessarily leave to the person who should succeed to the said office no distinct principle upon which he might act with safety. But in comparing the consequences of the two delinquencies charged, the failure of the payment of the revenues (from whatever cause it may arise) is more likely to be avoided than any severe course towards the inhabitants: as the former fault was, besides the deprivation of office, attended with two imprisonments, with a menace of death, and an actual death, in disgrace, poverty, and insolvency; whereas the latter, namely, the oppression, and thereby the total ruin, of the country, charged on the second administrator, was only followed by loss of office, — although he, the said Warren Hastings, did further assert (but with

what truth does not appear) that the collection of the last administrator had fallen much short of the revenue of the province.

That the said Warren Hastings himself was sensible that the frequent changes by him made would much disorder the management of the revenues, and seemed desirous of concealing his intentions concerning the last change until the time of its execution. Yet it appears, by a letter from the British Resident, dated the 23d of June, 1784, "that a very strong report prevailed at Benares of his [the said Hastings's] intentions of appointing a new Naib for the approaching year, and that the effect is evident which the prevalence of such an idea amongst the aumils would probably have on the cultivation at this particular time. The heavy mofussil kists [harvest instalments] have now been collected by the aumils; the season of tillage is arrived; the ryots [country farmers] must be indulged, and even assisted by advances; and the aumil must look for his returns in the abundance of the crop, *the consequence of this early attention to the cultivation.* The effect is evident *which the report of a change in the first officer of the revenue must have on the minds of the aumils, by leaving them at an uncertainty of what they have in future to expect;* and in proportion to the degree of this uncertainty, their efforts and expenses in promoting the cultivation will be languid and sparing. In compliance with the Naib's request, I have written to all the aumils, encouraging and ordering them to attend to the cultivation of their respective districts; but I conceive I should be able to promote this very desirable intention much more effectually, if you will honor me with the communication of your intentions on this subject. At the

same time I cannot help just remarking, that, if a change is intended, the sooner it takes place, the more *the bad effects* I have described will be obviated."

That the Council, having received the proposition for the removal of the administrator aforesaid, did also, in a letter to him, the said Hastings, condemn the frequent changes by him made in the administration of the collections of Benares, — but did consent to such alterations as might be made without encroaching on the rights established by his, the said Hastings's, agreement in the year 1781, and did desire him to transmit to them his plan for a new administration.

That the said Hastings did transmit a plan, which, notwithstanding the evils which had happened from the former frequent changes, he did propose *as a temporary expedient* for the administration of the revenues of the said province, — in which no provision was made for the reduction or remission of revenue as exigences might require, or for the extraction of the circulating specie from the said province, or for the supply of the necessary advances for cultivation, nor for the removal or prevention of any of the grievances by him before complained of, other than an inspection by the Resident and the chief criminal magistrate of Benares, and other regulations equally void of effect and authority, — and which plan Mr. Stables, one of the Supreme Council, did altogether reject; but the same was approved of *as a temporary expedient*, with some exceptions, by two other members of the board, Mr. Wheler and Mr. Macpherson, declaring *the said Warren Hastings responsible for the temporary expediency of the same.*

That the said Warren Hastings, in the plan afore said, having strongly objected to the appointment of

any European collectors, that is to say, of any European servants of the Company being concerned in the same, declaring that there had been sufficient experience of the ill effects of their being so employed in the province of Bengal, — by which the said Hastings did either in loose and general terms convey a false imputation upon the conduct of the Company's servants employed in the collection of the revenues of Bengal, or he was guilty of a criminal neglect of duty in not bringing to punishment the particular persons whose evil practices had given rise to such a general imputation on British subjects and servants of the Company as to render them unfit for service in other places.

That the said Warren Hastings, having in the course of three years made three complete revolutions in the state of Benares, by expelling, in the first instance, the lawful and rightful governor of the same, under whose care and superintendence a large and certain revenue, suitable to the abilities of the country, and consistent with its prosperity, was paid with the greatest punctuality, and by afterwards displacing two effective governors or administrators of the province, appointed in succession by himself, and, in consequence of the said appointments and violent and arbitrary removals, the said province "being left in effect without a government," except in one city only, and having, after all, settled no more than a temporary arrangement, is guilty of an high crime and misdemeanor in the destruction of the country aforesaid.

IV.—PRINCESSES OF OUDE.

I. THAT the reigning Nabob of Oude, commonly called Asoph ul Dowlah, (son and successor to Sujah ul Dowlah,) by taking into or continuing in his pay certain bodies of regular British troops, and by having afterwards admitted the British Resident at his court into the management of all his affairs, foreign and domestic, and particularly into the administration of his finances, did gradually become in substance and effect, as well as in general repute and estimation, a dependant on, or vassal of, the East India Company, and was, and is, so much under the control of the Governor-General and Council of Bengal, that, in the opinion of all the native powers, the English name and character is concerned in every act of his government.

II. That Warren Hastings, Esquire, contrary to law and to his duty, and in disobedience to the orders of the East India Company, arrogating to himself the nomination of the Resident at the court of Oude, as his particular agent and representative, and rejecting the Resident appointed by the Company, and obtruding upon them a person of his own choice, did from that time render himself in a particular manner responsible for the good government of the provinces composing the dominions of the Nabob of Oude.

III. That the provinces aforesaid, having been at the time of their first connection with the Company in an improved and flourishing condition, and yielding a revenue of more than three millions of pounds sterling, or thereabouts, did soon after that period begin sensibly to decline, and the subsidy of the British

troops stationed in that province, as well as other sums of money due to the Company by treaty, ran considerably in arrear; although the prince of the country, during the time these arrears accrued, was otherwise in distress, and had been obliged to reduce all his establishments.

IV. That the prince aforesaid, or Nabob of Oude, did, in humble and submissive terms, supplicate the said Warren Hastings to be relieved from a body of troops whose licentious behavior he complained of, and who were stationed in his country without any obligation by treaty to maintain them, — pleading the failure of harvest and the prevalence of famine in his country: a compliance with which request by the said Warren Hastings was refused in unbecoming, offensive, and insulting language.

V. That the said Nabob, laboring under the aforesaid and other burdens, and being continually urged for payment, was advised to extort, and did extort, from his mother and grandmother, under the pretext of loans, (and sometimes without that appearance,) various great sums of money, amounting in the whole to six hundred and thirty thousand pounds sterling, or thereabouts: alleging in excuse the rigorous demands of the East India Company, for whose use the said extorted money had been demanded, and to which a considerable part of it had been applied.

VI. That the two female parents of the Nabob aforesaid were among the women of the greatest rank, family, and distinction in Asia, and were left by the deceased Nabob, the son of the one and the

husband of the other, in charge of certain considerable part of his treasures, in money and other valuable movables, as well as certain landed estates, called jaghires, in order to the support of their own dignity, and the honorable maintenance of his women, and a numerous offspring, and their dependants: the said family amounting in the whole to two thousand persons, who were by the said Nabob, at his death, recommended in a particular manner to the care and protection of the said Warren Hastings.

VII. That, on the demand of the Nabob of Oude on his parents for the last of the sums which completed the six hundred and thirty thousand pounds aforesaid, they, the said parents, did positively refuse to pay any part of the same to their son for the use of the Company, until he should agree to certain terms to be stipulated in a regular treaty, and among other particulars to secure them in the remainder of their possessions, and also on no account or pretence to make any further demands or claims on them; and well knowing from whence all his claims and exactions had arisen, they demanded that the said treaty, or family compact, should be guarantied by the Governor-General and Council of Bengal: and a treaty was accordingly agreed to, executed by the Nabob, and guarantied by John Bristow, Esquire, the Resident at Oude, under the authority and with the express consent of the said Warren Hastings and the Council-General, and in consequence thereof the sum last required was paid, and discharges given to the Nabob for all the money which he had borrowed from his own mother and the mother of his father.

That, the distresses and disorders in the Nabob's

government and his debt to the Company continuing to increase, notwithstanding the violent methods before mentioned taken to augment his resources, the said Warren Hastings, on the 21st of May, and on the 31st July, 1781, (he and Mr. Wheler being the only remaining members of the Council-General, and he having the conclusive and casting voice, and thereby being in effect the whole Council,) did, in the name and under the authority of the board, resolve on a journey to the upper provinces, in order to a personal interview with the Nabob of Oude, towards the settlement of his distressed affairs, and did give to himself a delegation of the powers of the said Council, in direct violation of the Company's orders forbidding such delegation.

VIII. That the said Warren Hastings having by his appointment met the Nabob of Oude near a place called Chunar, and possessing an entire and absolute command over the said prince, he did, contrary to justice and equity and the security of property, as well as to public faith and the sanction of the Company's guaranty, under the color of a treaty, which treaty was conducted secretly, without a written document of any part of the proceeding except the pretended treaty itself, authorize the said Nabob to seize upon, and confiscate to his own profit, the landed estates, called jaghires, of his parents, kindred, and principal nobility: only stipulating a pension to the net amount of the rent of the said lands as an equivalent, and that equivalent to such only whose lands had been guarantied to them by the Company; but provided neither in the said pretended treaty nor in any subsequent act the least security for the payment of the said pen-

sion to those for whom such pension was ostensibly reserved, and for the others not so much as a show of indemnity; — to the extreme scandal of the British government, which, valuing itself upon a strict regard to property, did expressly authorize, if it did not command, an attack upon that right, unprecedented in the despotic governments of India.

IX. That the said Warren Hastings, in order to cover the violent and unjust proceedings aforesaid, did assert a claim of right in the same Nabob to all the possessions of his said mother and grandmother, as belonging to him by the Mahomedan law; and this pretended claim was set up by the said Warren Hastings, after the Nabob had, by a regular treaty ratified and guarantied by the said Hastings as Governor-General, renounced and released all demands on them. And this false pretence of a legal demand was taken up and acted upon by the said Warren Hastings, without laying the said question on record before the Council-General, or giving notice to the persons to be affected thereby to support their rights before any of the principal magistrates and expounders of the Mahomedan law, or taking publicly the opinions of any person conversant therein.

X. That, in order to give further color to the acts of ill faith and violence aforesaid, the said Warren Hastings did cause to be taken at Lucknow and other places, before divers persons, and particularly before Sir Elijah Impey, Knight, his Majesty's chief-justice, acting extra-judicially, and not within the limits of his jurisdiction, several passionate, careless, irrelevant, and irregular affidavits, consisting of matter not fit

to be deposed on oath, — of reports, conjectures, and hearsays; some of the persons swearing to the said hearsays having declined to declare from whom they heard the accounts at second hand sworn to; the said affidavits in general tending to support the calumnious charge of the said Warren Hastings, namely, that the aged women before mentioned had formed or engaged in a plan for the deposition of their son and sovereign, and the *utter extirpation* of the English nation: and neither the said charge against persons whose dependence was principally, if not wholly, on the good faith of this nation, and highly affecting the honor, property, and even lives, of women of the highest condition, nor the affidavits intended to support the same, extrajudicially taken, *ex parte*, and without notice, by the said Sir Elijah Impey and others, were at any time communicated to the parties charged, or to any agent for them; nor were they called upon to answer, nor any explanation demanded of them.

XI. That the article affecting private property secured by public acts, in the said pretended treaty, contains nothing more than a general permission, given by the said Warren Hastings, for confiscating such jaghires, or landed estates, with the modifications therein contained, "as *he* [the Nabob] may find necessary," but does not directly point at, or express by name, any of the landed possessions of the Nabob's mother. But soon after the signing of the said pretended treaty, (that is, on the 29th November, 1781,) it did appear that a principal object thereof was to enable the Nabob to seize upon the estates of his female parents aforesaid, which had been guarantied to them by the East India Company. And al-

though in the treaty, or pretended treaty, aforesaid, nothing more is purported than to give a simple permission to the Nabob to seize upon and confiscate the estates, leaving the execution or non-execution of the same wholly to his discretion, yet it appears, by several letters from Nathaniel Middleton, Esquire, the Resident at the Court of Oude, of the 6th, 7th, and 9th of December, 1781, that no such discretion as ex pressed in the treaty was left, or intended to be left, with him, the said Nabob, but that the said article ought practically to have a construction of a directly contrary tendency: that, instead of considering the article as originating from the Nabob, and containing a power provided in his favor which he did not possess before, the confiscation of the jaghires aforesaid was to be considered as a measure originating from the English, and to be intended for their benefit, and, as such, that the execution was to be forced upon him; and the execution thereof was accordingly forced upon him. And the Resident, Middleton, on the Nabob's refusal to act in contradiction to his sworn engagement guarantied by the East India Company, and in the undutiful and unnatural manner required, did totally supersede his authority in his own dominions, considering himself as empowered so to act by the instructions of the said Hastings, although he had reason to apprehend a general insurrection in consequence thereof, and that he found it necessary to remove his family, "which he did not wish to retain there, in case of a rupture with the Nabob, or the necessity of employing the British forces in the reduction of *his* aumils and troops"; and he did accordingly, as sovereign, issue his own edicts and warrants, in defiance of the resistance of the Nabob,

in the manner by him described in the letters aforesaid, — in a letter of 6th December, 1781, that is to say: "*Finding the Nabob wavering in his determination about the resumption of the jaghires*, I this day, in presence of and with the minister's concurrence, ordered the necessary purwannahs to be written to the several aumils for that purpose; and it was my firm resolution to have dispatched them this evening, with proper people to see them punctually and implicitly carried into execution; but before they were all transcribed, I received a message from the Nabob, who had been informed by the minister of the resolution I had taken, entreating that I would withhold the purwannahs until to-morrow morning, when he would attend me, and afford me satisfaction on this point. As the loss of a few hours in the dispatch of the purwannahs appeared of little moment, and as it is possible the Nabob, *seeing that the business will at all events be done, may make it an act of his own, I have consented to indulge him in his request; but, be the result of our interview whatever it may, nothing shall prevent the orders being issued to-morrow, either by him or myself, with the concurrence of the ministers.* Your pleasure respecting the Begums I have learnt from Sir Elijah, and the measure heretofore proposed will soon follow the resumption of the jaghires. From both, or indeed from the former alone, I have no doubt of the complete liquidation of the Company's balance." And also in another letter, of the 7th December, 1781: "I had the honor to address you yesterday, informing you of the steps I had taken in regard to the resumption of *the jaghires. This morning the Vizier came to me according to his agreement, but seemingly without any intention or desire to yield me satisfaction on the*

subject under discussion; for, after a great deal of conversation, consisting on his part of trifling evasion and puerile excuses for withholding his assent to the measure, though at the same time professing the most implicit submission to your wishes, I found myself without any other resource than the one of employing that exclusive authority with which I consider your instructions to vest me: I therefore declared to the Nabob, in presence of the minister and Mr. Johnson, who I desired might bear witness of the conversation, that I construed his rejection of the measure proposed as a breach of his solemn promise to you, and an unwillingness to yield that assistance which was evidently in his power towards liquidating his heavy accumulating debt to the Company, and that I must in consequence determine, in my own justification, *to issue immediately the purwannahs*, which had only been withheld in the sanguine hope that he would be prevailed upon *to make that his own act* which nothing but the most urgent necessity could force *me to make mine*. He left me without any reply, but afterwards sent for his minister and authorized him to give me hopes that my requisition would be complied with; on which I expressed my satisfaction, but declared that I could admit of no further delays, and, unless I received his Excellency's formal acquiescence before the evening, I should then most assuredly issue *my* purwannahs; which *I have accordingly done*, not having had any assurances from his Excellency that could justify a further suspension. I shall, as soon as possible, inform you of the effect of the purwannahs, which, in many parts, I am apprehensive it will be found necessary *to enforce with military aid*. I am not, however, entirely without hopes that the Nabob, *when he sees the inefficacy of further opposition*, may

alter his conduct, and prevent *the confusion and disagreeable consequences which would be too likely to result from the prosecution of a measure of such importance without his concurrence.* His Excellency talks of going to Fyzabad, for the purpose heretofore mentioned, in three or four days: *I wish he may be serious in his intention*, and you may rest assured *I shall spare no pains to keep him to it.*" And further, in a letter of the 9th December, 1781: "I had the honor to address you on the 7th instant, informing you of the conversation which had passed between the Nabob and me on the subject of resuming the jaghires, and the step I had taken in consequence. *His Excellency appeared to be very much hurt and incensed at the measure, and loudly complains of the treachery of his ministers, — first, in giving you any hopes that such a measure would be adopted, and, secondly, in their promising me their whole support in carrying it through; but, as I apprehended, rather than suffer it to appear that the point had been carried in opposition to his will*, he at length yielded a *nominal* acquiescence, and has this day issued his own purwannahs to that effect, — *declaring, however, at the same time, both to me and his ministers, that it is an act of compulsion.* I hope to be able in a few days, in consequence of this measure, to transmit you an account of the actual value and produce of the jaghires, opposed to the nominal amount at which they stand rated on the books of the circar."

XII. That the said Warren Hastings, instead of expressing any disapprobation of the proceedings aforesaid, in violation of the rights secured by treaty with the mother and grandmother of the reigning prince of Oude, and not less in violation of the sov-

ereign rights of the Nabob himself, did by frequent messages stimulate the said Middleton to a perseverance in and to a rigorous execution of the same, — and in his letter from Benares of the 25th December, 1781, did "express doubts of his firmness and activity, and, above all, of his recollection of his instructions and their importance; and that, if he could not rely on his own [power] and the means he possessed for performing those services, he *would free him* [the said Middleton] *from the charges*, and would proceed *himself* to Lucknow, and would *himself* undertake them."

XIII. That very doubtful credit is to be given to any letters written by the said Middleton to the said Warren Hastings, when they answer the purposes which the said Warren Hastings had evidently in view: the said Middleton having written to him in the following manner from Lucknow, 30th December, 1781.

XIV. "My dear Sir, — I have this day answered your *public* letter in the form *you seem to expect.* I hope there is nothing in it that may appear to you too pointed. *If you wish the matter to be otherwise understood than I have taken up and stated it, I need not say I shall be ready to conform to whatever you may prescribe, and to take upon myself any share of the blame of the (hitherto) non-performance of the stipulations made on behalf of the Nabob:* though I do assure you I myself represented to his Excellency and the ministers, (conceiving it to be your desire,) that *the apparent assumption of the reins of his government*, (for in that light he undoubtedly considered it at the first

view,) as specified in the agreement executed by him, was not meant to be *fully* and *literally* enforced, but that it was necessary *you should have something to show on your side, as the Company were deprived of a benefit without a requital; and upon the faith of this assurance alone*, I believe I may safely affirm, his Excellency's objections to signing the treaty were given up. If I have understood the matter wrong, or misconceived your design, I am truly sorry for it: *however, it is not too late to correct the error; and I am ready to undertake, and, God willing, to carry through, whatever you may, on receipt of my public letter, tell me is your final resolve.*"

XV. That it appears, but on his, the said Middleton's, sole authority, in a letter from the said Middleton, dated Lucknow, 2d December, 1781, that the Nabob of Oude, wishing to evade the measure of resuming the jaghires aforesaid, did send a message to him, purporting, "that, if the measure proposed was intended to procure the payment of the balance due to the Company, he could better and more expeditiously effect that object by taking from his mother the treasures of his father, which he did assert to be in her hands, and to which he did claim a right; and that it would be sufficient that he, the said Hastings, *would hint his opinion upon it, without giving a formal sanction to the measure proposed;* and that, whatever his resolution upon the subject should be, it would be expedient to keep it secret": adding, "*The resumption of the jaghires it is necessary to suspend till I have your answer to this letter.*"

XVI. That it does not appear that the said Hast-

ings did write any letter in answer to the proposal of the said Middleton, but he, the said Hastings, did communicate his pleasure thereon to Sir Elijah Impey, being then at Lucknow, for his, the said Middleton's, information; and it does appear that the seizing of the treasures of the mother of the Nabob, said to have been proposed as *an alternative* by the said Nabob to prevent the resumption of the jaghires, was determined upon and ordered by the said Hastings, —and that the resumption of the said jaghires, for the ransom of which the seizing of the treasures was proposed, was also directed: not one only, but both sides of the alternative, being enforced upon the female parents of the Nabob aforesaid, although both the one and the other had been secured to them by a treaty with the East India Company.

XVIII.* That Sir Elijah Impey, Knight, his Majesty's chief-justice at Fort William, did undertake a journey of nine hundred miles, from Calcutta to Lucknow, on pretence of health and pleasure, but was in reality in the secret of these and other irregular transactions, and employed as a channel of confidential communication therein. And the said Warren Hastings, by presuming to employ the said chief-justice, a person particularly unfit for an agent, in the transaction of affairs *primâ facie* at least unjust, violent, and oppressive, contrary to public faith, and to the sentiments and law of Nature, and which he, the said Hastings, was sensible "could not fail to draw obloquy on himself by his participation," did disgrace the king's commission, and render odious to the natives of Hindostan the justice of the crown of Great Britain.

* Sic orig.

XIX. That, although the said Warren Hastings was from the beginning duly informed of the violence offered to the personal inclinations of the Nabob, and the "apparent assumption of the reins of his government," for the purposes aforesaid, yet more than two years after he did write to his private agent, Major Palmer, that is to say, in his letter of the 6th of May, 1783, "that it has been a matter of *equal surprise and concern* to him to learn from the letters of the Resident that the Nabob Vizier was with difficulty and almost unconquerable reluctance induced to give his consent to the attachment of the treasure deposited by his father under the charge of the Begum, his mother, and to the resumption of her jaghire, and the other jaghires of the individuals of his family": which pretence of ignorance of the Nabob's inclinations is fictitious and groundless. But whatever deception he might pretend to be in concerning the original intention of the Nabob, he was not, nor did he pretend to be, ignorant of his, the Nabob's, reluctance to *proceed* in the said measures; but did admit his knowledge of the Nabob's reluctance to their full execution, and yet did justify the same as follows.

XX. "I desire that you will inform him [the Nabob], that, in these and the other measures which were either proposed by him or received his concurrence in the agreement passed between us at Chunar, I neither had nor could have any object *but his relief, and the strengthening of his connection with the Company;* and that I should not on any other ground have exposed myself to *the personal obloquy which they could not fail to draw upon me by my participation in them*, but left him to regulate by his own discretion

and by his own means the economy of his own finances, and, *with much more cause, the assertion of his domestic right. In these he had no regular claim to my interference;* nor had I, in my public character, any claim upon him, but for the payment of the debt then due from him to the Company, although I was under the strongest obligations to require it for the relief of the pressing exigencies of their affairs. He will well remember the manner in which, at a visit to him in his own tent, I declared my acquiescence freely, and without hesitation, to each proposition, which afterwards formed the substance of a written agreement, as he severally made them; and he can want no other evidence of my motives for *so cheerful a consent*, nor for the requests which I added as the means of fulfilling his purposes in them. Had he not made these measures his own option, I should not have proposed them; *but having once adopted them, and made them the conditions of a formal and sacred agreement, I had no longer an option to dispense with them, but was bound to the complete performance and execution of them, as points of public duty and of national faith, for which I was responsible to my king, and the Company my immediate superiors: and this was the reason for my insisting on their performance and execution, when I was told that the Nabob himself had relaxed from his original purpose, and expressed a reluctance to proceed in it.*"

XXI. That the said Warren Hastings does admit that the Nabob *had* originally no regular claim upon him for his interference, or he any claim on the Nabob, which might entitle him to interfere in the Nabob's domestic concerns; yet, in order to justify

his so invidious an interference, he did, in the letter aforesaid, give a false account of the said treaty, which (as before mentioned) did nothing more than give a *permission* to the Nabob to resume the jaghires, *if HE should judge the same to be necessary*, and did therefore leave the right of dispensing with the whole, or any part thereof, as much in his option after the treaty as it was before: the declared intent of the article being only to remove the restraint of the Company's guaranty forbidding such resumption, but furnishing nothing which could authorize putting that resumption into the hands and power of the Company, to be enforced at. their discretion. And with regard to the other part of the spoil made by order of the said Hastings, and by him in the letter aforesaid stated to be made equally against the will of the Nabob, namely, that which was committed on the personal and movable property of the female parents of the Nabob, nothing whatsoever in relation to the same is stipulated in the said pretended treaty.

XXII. That the said Hastings, in asserting that he was bound to the acts aforesaid by public duty, and even by national faith, in the very instance in which that national faith was by him grossly violated, and in justifying himself by alleging that he was bound to the *complete* execution by a responsibility to the Company which he immediately served, and by asserting that these violent and rapacious proceedings, subjecting all persons concerned in them to obloquy, would be the means of strengthening the connection of the Nabob with the British United Company of Merchants trading to the East Indies, did disgrace the authority under which he immedi-

ately acted. And that the said Hastings, in justifying his obligations to the said acts by a responsibility to the *king*, namely, to the King of Great Britain, did endeavor to throw upon his Majesty, his lawful sovereign, (whose name and character he was bound to respect, and to preserve in estimation with all persons, and particularly with the sovereign princes, the allies of his government,) the disgrace and odium of the aforesaid acts, in which a sovereign prince was by him, the said Hastings, made an instrument of perfidy, wrong, and outrage to two mothers and wives of sovereign princes, and in which he did exhibit to all Asia (a country remarkable for the utmost devotion to parental authority) the spectacle of a Christian governor, representing a Christian sovereign, compelling a son to become the instrument of such violence and extortion against his own mother.

That the said Warren Hastings, by repeated messages and injunctions, and under menaces of "a dreadful responsibility," did urge the Resident to a completion of this barbarous act; and well knowing that such an act would probably be resisted, did order him, the said Resident, to use the British troops under his direction for that purpose; and did offer the assistance of further forces, urging the execution in the following peremptory terms: "You *yourself* must be *personally present;* you must not allow *any* negotiation or forbearance, but must prosecute both services, until the Begums [princesses] are at the entire mercy of the Nabob." *

XXIII. That, in conformity to the said peremptory orders, a party of British and other troops, with

* 26th Dec., 1781.

the Nabob in the ostensible, and the British Resident in the real command, were drawn towards the city of Fyzabad, in the castle of which city the mother and grandmother of the Nabob had their residence; and after expending two days in negotiation, (the particulars of which do not appear,) the Resident not receiving the satisfaction he looked for, the town was first stormed, and afterwards the castle; and little or no resistance being made, and no blood being shed on either side, the British troops occupied all the outer inclosure of the palace of one of the princesses, and blocked up the other.*

XXIV. That this violent assault, and forcible occupation of their houses, and the further extremities they had to apprehend, did not prevail on the female parents of the Nabob to consent to any submission, until the Resident sent in unto them a letter from the said Warren Hastings,† (no copy of which appears,) declaring himself no longer bound by the guaranty, and containing such other matter as tended to remove all their hopes, which seemed to be centred in British faith.

XXV. That the chief officers of their household, who were their treasurers and confidential agents, the eunuchs Jéwar Ali Khân and Behar Ali Khân, persons of great eminence, rank, and distinction, who had been in high trust and favor with the late Nabob, were ignominiously put into confinement under an inferior officer, in order to extort the discovery of the treasures and effects committed to their care and fidelity. And the said Middleton did soon after, that

* 13th Jan., 1782. † 18th Jan., 1782.

is to say, on the 12th of January, 1782, deliver them over for the same purpose into the custody of Captain Neal Stuart, commanding the eighth regiment, by his order given in the following words: "To be kept in close and secure confinement, admitting of no intercourse with them, excepting by their four menial servants, who are authorized to attend them until further orders. You will allow them to have any necessary and convenience which may be consistent with a strict guard over them."

XXVI. That, in consequence of these severities upon herself, and on those whom she most regarded and trusted, the mother of the said Nabob did at length consent to the delivering up of her treasures, and the same were paid to the Resident, to the amount of the bond given by the Nabob to the Company for his balance of the year 1779–80; and the said treasure "was taken from the most secret recesses in the houses of the two eunuchs."

XXVII. That the Nabob continuing still under the pressure of a further pretended debt to the Company for his balance of the year 1780–81, the Resident, not satisfied with the seizure of the estates and treasures of his parents aforesaid, although he, the said Resident, did confess that the princess mother "had declared, *with apparent truth*, that she had delivered up *the whole of the property in her hands*, excepting goods which from the experience which he, the Resident, had of the *small produce* of the sales of a former payment made by her in that mode he did refuse, and that in his opinion it certainly would have amounted to little or nothing," did proceed to extort

another great sum of money, that is to say, the sum of one hundred and twenty thousand pounds sterling, on account of the last pretended balance aforesaid: in order, therefore, to compel the said ministers and treasurers either to distress their principals by extorting whatever valuable substance might by any possibility remain concealed, or to furnish the said sum from their own estates or from their credit with their friends, did order their imprisonment to be aggravated with circumstances of great cruelty, giving an order to Lieutenant Francis Rutledge, dated 20th January, 1782, in the following words.

XXVIII. "SIR, — When this note is delivered to you by Hoolas Roy, I have to desire that you order the two prisoners to be put *in irons, keeping them from all food, &c., agreeable to my instructions of yesterday.*

(Signed) "NATH[L] MIDDLETON."

XXIX. That by the said unjust and rigorous proceeding the said eunuchs were compelled to give their engagement for the payment of one hundred and twenty thousand pounds sterling aforesaid, to be completed within the period of one month; but after they had entered into the said compulsory engagement, they were still kept in close imprisonment, and the mother and grandmother of the Nabob were themselves held under a strict guard, — although, at the same time, the confiscated estates were actually in the Company's possession, and found to exceed the amount of what they were rated at in the general list of confiscated estates,* and although the Assistant Resident, Johnson, did confess, "that the object of distressing the

* Letter from Mr. Middleton, 2d Feb., 1782.

Bhow Begum was merely to obtain a *ready-money* instead of a *dilatory payment*, and that this ready-money payment, if not paid, was recoverable in the course of a few months upon the jaghires in his possession, and that therefore it was not worth proceeding to any extremities, beyond the one described," (namely, the confinement of the princesses, and the imprisonment and fettering of their ministers,) "upon so respectable a family." *

XXX. That, after the surrender of the treasure, and the passing the bonds and obligations given as aforesaid, the Resident having been strictly ordered by the said Warren Hastings not to make any settlement whatsoever with the said women of high rank, the Nabob was induced to leave the city of Fyzabad without taking leave of his mother, or showing her any mark of duty or civility. And on the same day the Resident left the city aforesaid; and after his return to Lucknow, in order to pacify the said Hastings, who appeared to resent that the Nabob was not urged to greater degrees of rigor than those hitherto used towards his mother, he, the said Resident, did, in his letter of the 6th February, give him an assurance in the following words: — "I shall, as you direct, use my influence to dissuade his Excellency from concluding *any settlement* until I have your further commands."

XXXI. That the payment of the bond last extorted from the eunuchs was soon after commenced, and the grandmother, as well as the mother, were now compelled to deliver what they declared was *the extent*

* Lucknow, 22d July, 1782.

of the whole of both their possessions, including down to their *table utensils;* which, as the Resident admitted, "they had been and were still delivering, and that no proof had yet been obtained of their having more."

XXXII. That bullion, jewels, and goods, to the amount of five hundred thousand pounds and upwards, were actually received by the Resident for the use of the Company before the 23d of February, 1782; and there remained on the said extorted bond no more than about twenty-five thousand pounds, according to the statement of the eunuchs, and not above fifty thousand according to that made by the Resident.

XXXIII. That, in this advanced state of the delivery of the extorted treasure, the ministers of the women aforesaid of the reigning family did apply to Captain Leonard Jaques, under whose custody they were confined, to be informed of the deficiency with which they stood charged, that they might endeavor, with the assistance of their friends, to provide for the same, and praying that they might through his mediation be freed from the hardships they suffered under their confinement: to which application they received an insolent answer from the said Richard Johnson, dated February 27th, 1782, declaring that part of what he had received in payment was in jewels and bullion, and that more than a month, the time fixed for the final payment, would elapse before he could dispose of the same, — insisting upon a ready-money payment, and assuring them "that the day on which their agreement expired he should be indispensably obliged to recommence severities upon them, until the last

farthing was fully paid." And in order to add to their terrors and hardships, as well as to find some pretext for the further cruel and inhuman acts intended, an apparently groundless and injurious charge was suggested to the imprisoned ministers aforesaid in the following words. "You may also mention to them, that I have reason to *suspect* that the com motions raised by Bulbudder have not been without their *suggestion and abetment*, which, if proved upon them, in addition to the *probable* breach of their agreement, will make their situation *very desperate*."

XXXIV. That on the receipt of the said letter, that is, on the 2d March, the ministers aforesaid did aver, that they were not able to obtain cash in lieu of the jewels and other effects, but that, if the goods were sold, and they released from their confinement, and permitted (as they have before requested) to go abroad among their friends, they could soon make good the deficiency; and they did absolutely deny "that they had any hand in the commotions raised by Bulbudder, or any kind of correspondence with him or his adherents."

XXXV. That the prisoners aforesaid did shortly after, that is to say, on the 13th March, a third time renew their application to Nathaniel Middleton, Esquire, the Resident, and did request that the jewels remaining in his, the said Resident's, hands, towards the payment of the balance remaining, "might be valued by four or five eminent merchants, Mussulmen and Hindoos, upon oath," and that, if any balance should afterwards appear, they would upon their release get their friends to advance the same; and they

did again represent the hardship of their imprisonment, and pray for relief; and did again assert that the imputations thrown upon them by the said Richard Johnson were false and groundless, — "that they had no kind of intercourse, either directly or indirectly, with the authors of the commotions alluded to, and that they did stake their lives upon the smallest proof thereof being brought."

XXXVI. That, instead of their receiving any answer to any of the aforesaid reasonable propositions, concerning either the account stated, or the crimes imputed to them, or any relief from the hardships they suffered, he, the Resident, Middleton, did, on the 18th of the said month, give to the officer who had supplicated in favor of the said prisoners an order in which he declared himself "under the disagreeable necessity of recurring to severities to enforce the said payment, and that this is therefore to desire that you immediately cause them *to be put in irons*, and keep them so until I shall arrive at Fyzabad to take further measures as may be necessary": which order being received at Fyzabad the day after it was given, the said eunuchs were a second time thrown into irons. And it appears that (probably in resentment for the humane representations of the said Captain Jaques) the Resident did refuse to pay for the fetters, and other contingent charges of the imprisonment of the said ministers of the Nabob's mother, when at the same time very liberal contingent allowances were made to other officers; and the said Jaques did strongly remonstrate against the same as follows. "You have also ordered me to put the prisoners in irons: this I have done; yet, as I have no business

to purchase fetters, or supply them any other way, it is but reasonable that you should order me to be reimbursed. And why should I add anything more? A late commander at this place, I am told, draws near as many thousands monthly contingencies as my trifling letter for hundreds. However, if you cannot get my bill paid, be so obliging as to return it, and give me an opportunity of declaring to the world that I believe I am the first officer in the Company's service who has suffered in his property by an independent command."

XXXVII. That, in about two months after the said prisoners had continued in irons in the manner aforesaid, the officer on guard, in a letter of the 18th May, did represent to the Resident as follows. "The prisoners, Behar and Jewar Ali Khân, who seem to be very sickly, have requested their irons might be taken off for a few days, that they might take medicine, and walk about the garden of the place where they are confined. Now, as I am sure *they will be equally secure without their irons as with them*, I think it my duty to inform you of this request: I desire to know your pleasure concerning it." To which letter the said officer did receive a direct refusal, dated 22d May, 1782, in the following words. "I am sorry it is not in my power to comply with your proposal of easing the prisoners for a few days of their fetters. Much as my humanity may be touched by their sufferings, I should think it inexpedient to afford them any alleviation while they persist in a breach of their contract with me: and, indeed, no indulgence can be shown them without the authority of the Nabob, who, instead of consenting to moderate the rigors

of their situation, would be most willing to multiply them" : — endeavoring to join the Nabob, whom he well knew to be reluctant in the whole proceeding, as a party in the cruelties by which, through the medium of her servants, it was intended to coerce his mother.

XXXVIII. That the said Resident, in a few days after, that is to say, on the 1st June, 1782, in a letter to Major Gilpin, in command at Fyzabad, did order the account, as by himself stated, to be read to the prisoners, and, without taking any notice of their proposal concerning the valuation of the effects, or their denial of the offences imputed to them, to demand a positive answer relative to the payment, and, " upon receiving from them a negative or unsatisfactory reply, to inform them, that, all further negotiation being at an end, they must prepare for their removal to Lucknow, where they would be called upon to answer not only their recent breach of faith and solemn engagement, but also to atone for other heavy offences, the punishment of which, as had frequently been signified to them, it was in their power to have mitigated by a proper acquittal of themselves in this transaction." By which insinuations concerning the pretended offences of the said unhappy persons, and the manner by which they were to atone for the same, and by their never having been specifically and directly made, it doth appear that the said crimes and offences were charged for the purpose of extorting money, and not upon principles or for the ends of justice.

XXXIX. That, after some ineffectual negotiations to make the prisoners pay the money, which it does

not appear to have been in their power to pay, they were again threatened by the Resident, in a letter to Major Gilpin, dated 9th June, 1782, in the following terms. "I wish you to explain once more to the prisoners the imprudence and folly of their conduct in forcing me to a measure which must be attended with consequences so very serious to them, and that, when once they are removed to Lucknow, it will not be in my power to show them mercy, or to stand between them and the vengeance of the Nabob. Advise them to reflect seriously upon the unhappy situation in which they will be involved in one case, and the relief it will be in my power to procure them in the other; and let them make their option."

XL. That he, the said Resident, did also, at the same time, receive a letter from the princess mother, which letter does not appear, but to which only the following insolent return was made, — that is to say: "The letter from the Bhow Begum is no ways satisfactory, and I cannot think of returning an answer to it. Indeed, all correspondence between the Begum and me has long been stopped; and I request you will be pleased to inform her that I by no means wish to resume it, or to maintain any friendly intercourse with her, until she has made good my claim upon her for the balance due."

XLI. That, in consequence of these threats, and to prevent a separation of the ministers from their mistresses, several plans for the payment of the balance were offered, both by the mother of the Nabob and the prisoners, to which no other objection appears to have been made than the length of time required

by the parties to discharge the comparatively small remainder of the extorted bond: the officer on command declaring, that, conformable to his instructions, he could not receive the same.*

XLII. That the prisoners were actually removed from the city of their residence to the city of Lucknow, where they arrived on the 24th of June, 1782, and were on the next day threatened with severities, "to make them discover where the balance might be procurable." And on the 28th, it should seem, that the severities for the purpose aforesaid were inflicted, at least upon one of them; for the Assistant Resident, Johnson, did on that day write to Captain Waugh, the officer commanding the guard, the letter following, full of disgrace to the honor, justice, and humanity of the British nation.

XLIII. "Sir,—The Nabob having determined *to inflict corporal punishment upon the prisoners* under your guard, this is to desire that his officers, when they shall come, may have free access to the prisoners, and *be permitted to do with them as they shall see proper*, only taking care that they leave them always under your charge."

XLIV. That the said Richard Johnson did, further to terrify the prisoners, and to extort by all ways the remainder of the said unjust, oppressive, and rapacious demand, threaten to remove them out of the Nabob's dominions into the castle of Churnagur, in order forever to separate them from their principals, and deprive both of their reciprocal protection and

* Major Gilpin's Letter, 15th June, 1782.

services,*—and did order a further guard to be put on the palace of the grandmother of the Nabob, an ally of the Company, and to prevent the entrance of the provisions to her, (which order relative to the guard only was executed,) and did use sundry unworthy and insulting menaces both with regard to herself and to her principal ministers.†

XLV. That a proposal was soon after made by the said princess and her daughter-in-law, praying that their ministers aforesaid should be returned to Fyzabad, and offering to raise a sum of money on that condition;‡ as also that they would remove from one of their palaces, whilst the English were to be permitted to search the other.§ But the Assistant Resident, Johnson, did, instead of a compliance with the former of these propositions, send the following orders, dated 23d July, 1782, to the officer commanding the guard on the ministers aforesaid: "Some violent demands having been made for the release of the prisoners, it is necessary that every possible precaution be taken for their security; you will therefore be pleased to be very strict in guarding them; and I herewith send *another pair of fetters to be added to those now upon the prisoners.*" And in answer to the second proposition, the said Resident did reply in the following terms: "The proposal of evacuating one palace, that it may be searched, and then evacuating the next, upon the same principle, is apparently fair; but it is well known, in the first place, that such bricked-up or otherwise hidden treas-

* Mr. Johnson's Letter, 9th July, 1782. † Ibid., 4th July, 1782.

‡ Major Gilpin's Letter, 6th July, 1782.

§ Mr. Johnson's Letter, 22d July, 1782.

ure is not to be hit upon in a day without a guide. I have therefore informed the Nabob of this proposal, and, if the matter is to be reduced to a search, he will go himself, with such people as he may possess for information, together with the prisoners; and when in possession of the ground, by *punishing the prisoners*, or by such *other means as he may find most effectual* to forward a successful search upon the spot, he will avail himself of the proposal made by the Bhow Begum."

XLVI. That, probably from the Nabob's known and avowed reluctance to lend himself to the perpetration of the oppressive and iniquitous proceedings of the representative of the British government, the scandalous plan aforesaid was not carried into execution; and all the rigors practised upon the chief ministers of the ladies aforesaid at Lucknow being found ineffectual, and the princess mother having declared herself ready to deliver up everything valuable in her possession, which Behar Ali Khân, one of her confidential ministers aforesaid, only could come at, the said change of prison was agreed to, — but not until the Nabob's mother aforesaid had engaged to pay for the said change of prison a sum of ten thousand pounds, (one half of which was paid on the return of the eunuchs,) and that "she would ransack the *zenanah* [women's apartments] for kincobs, muslins, clothes, &c., &c., &c., and that she would even allow a deduction from the annual allowance made to her for her subsistence in lieu of her jaghire." *

XLVII. That, soon after the return of the aforesaid

* Major Gilpin's Letters, 16th June and 15th Sept., 1782.

ministers to the place of their imprisonment at Fyzabad, bonds for the five thousand pounds aforesaid, and goods, estimated, according to the valuation of a merchant appointed to value the same, at the sum of forty thousand pounds, even allowing them to sell greatly under their value, were delivered to the commanding officer at Fyzabad; and the said commanding officer did promise to the Begum to visit Lucknow with such proposals as he hoped would secure the *small balance* of fifteen thousand pounds remaining of the unjust exaction aforesaid.* But the said Resident, Middleton, did, in his letter of the 17th of the said month, positively refuse to listen to any terms before the final discharge of the whole of the demand, and did positively forbid the commanding officer to come to Lucknow to make the proposal aforesaid in the terms following. "As it is not possible to listen to *any* terms from the Begums before the final discharge of their conditional agreement for fifty-five lacs, your coming here upon such an agency can only be *loss of time* in completing the recovery of the balance of 6,55,000, for which your regiment was sent to Fyzabad. I must therefore desire you will leave *no efforts, gentle or harsh*, unattempted to complete this, before you move from Fyzabad; and I am very anxious that this should be as soon as possible, *as I want to employ your regiment upon other emergent service, now suffering by every delay.*"

XLVIII. That the goods aforesaid were sent to Lucknow, and disposed of in a manner unknown; and the harsh and oppressive measures aforesaid being still continued, the Begum did, about the middle of

* Major Gilpin's Letter, 15th Sept., 1782.

October, 1782, cause to be represented to the said Middleton as follows. "That her situation was truly pitiable, — her estate sequestered, her treasury ransacked, her cojahs prisoners, and her servants deserting daily from want of subsistence. That she had solicited the loan of money, to satisfy the demands of the Company, from every person that she imagined would or could assist her with any; but that the opulent would not listen to her adversity. She had hoped that the wardrobe sent to Lucknow might have sold for at least one half of the Company's demands on her; but even jewelry and goods, she finds from woful experience, lose their value the moment it is known they come from her. That she had now solicited the loan of cash from Almas Ali Khân, and if she failed in that application, she had no hopes of ever borrowing a sum equal to the demand": * — an hope not likely to be realized, as the said Almas Ali was then engaged for a sum of money to be raised for the Company's use on the security of their confiscated lands, the restoration of which could form the only apparent security for a loan.

XLIX. That this remonstrance produced no effect on the mind of the aforesaid Resident, — who, being about this time removed from his Residency, did, in a letter to his successor, Mr. Bristow, dated 23d October, 1782, in effect recommend a perseverance in the cruel and oppressive restraints aforesaid as a certain means of recovering the remainder of the extorted bond, and that the lands with which the princesses aforesaid had been endowed should not be restored to them.

* Major Gilpin's Letter, 19th Oct., 1782.

L. That the said Warren Hastings was duly apprised of all the material circumstances in the unjust proceedings aforesaid, but did nothing to stop the course they were in, or to prevent, relieve, or mitigate the sufferings of the parties affected by them: on the contrary, he did, in his letter of the 25th of January, 1782, to the Resident, Middleton, declare, that the Nabob having consented to the "resumption of the jaghires held by the Begums, and to the confiscation of their treasures, and thereby involved my own name and the credit of the Company in a participation of both measures, I have a right to *require and insist on the complete execution of them;* and I look to you for their execution, declaring that I shall hold you accountable for it." And it appears that he did write to the Nabob a letter in the same peremptory manner; but the said letter has been suppressed.

LI. That he, the said Hastings, further did manifest the concern he took in, and the encouragement which he gave to the proceedings aforesaid, by conferring honors and distinctions upon the ministers of the Nabob, whom he, the Nabob, did consider as having in the said proceedings disobeyed him and betrayed him, and as instruments in the dishonor of his family and the usurpation of his authority. That the said ministers did make addresses to the said Hastings for that purpose (which addresses the said Hastings hath suppressed); and the Resident, Middleton, did, with his letter of the 11th of February, 1782, transmit the same, and did in the said letter acquaint the said Hastings "that the ministers of the Nabob had incurred much odium on account of their participation in his measures, and that they were not only consid-

ered by the party of the dispossessed jaghiredars, and the mother and uncle of the Nabob, but *by the Nabob himself*, as the *dependants of the English government, which they certainly are, and it is by its declared and most obvious support alone* that they can maintain the authority and influence which is indispensably necessary." And the said Middleton did therefore recommend "that they should be honored with some testimony of his [the said Hastings's] approbation and favor." And he, the said Warren Hastings, did send *kellauts*, or robes of honor, (the most public and distinguished mode of acknowledging merit known in India,) to the said ministers, in testimony of his approbation of their late services.

LII. That the said Hastings did not only give the aforesaid public encouragement to the ministers of the Nabob to betray and insult their master and his family in the manner aforesaid, but, when the said Nabob did write several letters to him, the said Hastings, expressive of his dislike of being used as an instrument in the dishonorable acts aforesaid, and refusing to be further concerned therein, he, the said Warren Hastings, did not only suppress and hide the said letters from the view of the Court of Directors, but in his instructions to the Resident, Bristow, did attribute them to Hyder Beg Khân, minister to the Nabob, (whom in other respects he did before and ever since support against his master,) and did express himself with great scorn and contempt of the said Nabob, and with much asperity against the said minister: affirming, in proud and insolent terms, that he had, "by an abuse of his influence over the Nabob, — he, the Nabob himself, being (*as he ever must be in the hands of*

some person) *a mere cipher in his* [*the said minister's*], — *dared* to make him [the Nabob] *assume* a very *unbecoming* tone of refusal, reproach, and resentment, in opposition to *measures recommended by ME*, and even to *acts done by MY authority*": the said Hastings, in the instruction aforesaid, particularizing the resumption of the jaghires, and the confiscation of the treasures that had been so long suffered to remain in the hands of his, the Nabob's, mother. But the letters of the Nabob, which in the said instructions he refers to as containing an opposition to the measures recommended by him, and which he asserts was conveyed in a very unbecoming tone of refusal, reproach, and resentment, he, the said Hastings, hath criminally withheld from the Company, contrary to their orders, and to his duty, — and the more, as the said letters must tend to show in what manner the said Nabob did feel the indignities offered to his mother, and the manner in which the said ministers, notwithstanding their known dependence on the English government, did express their sense of the part which their sovereign was compelled to act in the said disgraceful measures. And in further instructions to him, the said new Resident, he did declare his approbation of the evil acts aforesaid, as well as his resolution of compelling the Nabob to those rigorous proceedings against his parent from which he had long shown himself so very averse, in the following words. "The severities which have been increased towards the Begums were most justly merited by the advantage which they took of the troubles in which I was personally involved last year, to create a rebellion in the Nabob's government, and to complete the ruin which they thought was impending on ours. If it is

the Nabob's desire to forget and to forgive their past offences, I have no objection to his allowing them, in pension, the nominal amount of their jaghires; but if he shall *ever offer* to restore their jaghires to them, or to give them any property in land, after the warning which they have given him by the dangerous abuse which they formerly made of his indulgence, you must remonstrate in the strongest terms against it; *you must not permit such an event to take place*, until this government shall have received information of it, and shall have had time to interpose its influence for the prevention of it." And the said Warren Hastings, who did in the manner aforesaid positively refuse to admit the Nabob to restore to his mother and grandmother any part of their landed estates for their maintenance, did well know that the revenues of the said Nabob were at that time so far applied to the demands of the Company, (by him, the said Warren Hastings, aggravated beyond the whole of what they did produce,) or were otherwise so far applied to the purposes of several of the servants of the Company, and others, the dependants of him, the said Hastings, that none of the pensions or allowances, assigned by the said Nabob in lieu of the estates confiscated, were paid, or were likely to be discharged, with that punctuality which was necessary even to the scanty subsistence of the persons to which they were in name and appearance applied. For,

LIII. That, so early as the 6th March, 1782, Captain Leonard Jaques, who commanded the forces on duty for the purpose of distressing the several women in the palaces at Fyzabad, did complain to the Resident, Richard Johnson, in the following words.

"The women belonging to the Khord Mohul (or lesser palace) complain of their being in want of every necessary of life, and are at last driven to that desperation that they at night get on the top of the zenanah, make a great disturbance, and last night not only alarmed the sentinels posted in the garden, but threw dirt at them; they threaten to throw themselves from the walls of the zenanah, and also to break out of it. Humanity obliges me to acquaint you of this matter, and to request to know if you have any directions to give me concerning it. I also beg leave to acquaint you I sent for Letafit Ali Khân, the cojah who has the charge of them, and who informs me it is well grounded, — that they *have sold everything they had, even to the clothes from their backs, and now have no means of subsisting.*"

LIV. That the distresses of the said women grew so urgent on the night of the said 6th of March, the day when the letter above recited was written, that Captain Leonard Jaques aforesaid did think it necessary to write again, on the day following, to the British Resident in the following words. "I beg leave to address you again concerning the women in the Khord Mohul [the lesser palace]. Their behavior last night was so furious, that there seemed the greatest probability of their proceeding to the uttermost extremities, and that they would either *throw themselves from the walls or force open the doors of the zenanah.* I have made every inquiry concerning the cause of their complaints, and find from Letafit Ali Khân that they are in *a starving condition, having sold all their clothes and necessaries, and now have not wherewithal to support nature;* and as my instructions are

quite silent on this head, I should be glad to know how to proceed, in case they were to force the doors of the zenanah, as I suspect it will happen, should no subsistence be very quickly sent to them."

LV. That, in consequence of these representations, it appears that the said Resident, Richard Johnson, did promise that an application should be made to certain of the servants of the Nabob Vizier to provide for their subsistence.

LVI. That Captain Jaques being relieved from the duty of imprisoning the women of Sujah ul Dowlah, the late sovereign of Oude, an ally of the Company, who dwelt in the said lesser palace, and Major Gilpin being appointed to succeed, the same malicious design of destroying the said women, or the same scandalous neglect of their preservation and subsistence, did still continue; and Major Gilpin found it necessary to apply to the new Resident, Bristow, in a letter of the 30th of October, 1782, as follows.

LVII. "Sir, — Last night, about eight o'clock, the women in the Khord Mohul [lesser palace] or zenanah [women's apartment] under the charge of Letafit Ali Khân, assembled on the tops of the buildings, *crying in a most lamentable manner for food, — that for the last four days they had got but a very scanty allowance, and that yesterday they had got none.*

LVIII. "*The melancholy cries of famine are more easily imagined than described:* and from their representation I fear the Nabob's agents for that business are very inattentive. I therefore think it requisite to

make you acquainted with the circumstance, that his Excellency, the Nabob, may cause his agents to be more circumspect in their conduct towards these poor unhappy women."

LIX. That, although the Resident, Bristow, did not then think himself authorized to remove the guard, he did apply to the minister of the Nabob, who did promise some relief to the women of the late Nabob, confined in the lesser palace; but apprehending, with reason, that the minister aforesaid might not be more ready or active in making the necessary provision for them than on former occasions, he did render himself personally responsible to Major Gilpin for the repayment of any sum, equal to one thousand pounds sterling, which he might procure for the subsistence of the sufferers. But whatever relief was given, (the amount thereof not appearing,) the same was soon exhausted; and the number of persons to be maintained in the said lesser palace being eight hundred women, the women of the late sovereign, Sujah ul Dowlah, and several of the younger children of the said sovereign prince, besides their attendants, Major Gilpin was obliged, on the 15th of November following, again to address the Resident by a representation of this tenor.

"Sir,—The repeated cries of the women in the Khord Mohul Zenanah for subsistence have been truly melancholy.

LX. "*They beg most piteously for liberty, that they may earn their daily bread by laborious servitude, or to be relieved from their misery by immediate death.*

LXI. "In consequence of their unhappy situation, I have this day taken the liberty of drawing on you in favor of Ramnarain, at ten days' sight, for twenty Son Kerah rupees, ten thousand of which I have paid to Cojah Letafit Ali Khân, under whose charge that zenanah is."

LXII. That, notwithstanding all the promises and reiterated engagements of the minister, Hyder Beg Khân, the ladies of the palace aforesaid fell again into extreme distress; and the Resident did again complain to the said minister, who was considered to be, and really and substantially was, the minister of the Governor-General, Warren Hastings, aforesaid, and not of the Nabob, (the said Nabob being, according to the said Hastings's own account, "a cipher in his [the said minister's] hands,") that the funds allowed for their subsistence were not applied to their support. But notwithstanding all these repeated complaints and remonstrances, and the constant promise of amendment on the part of his, the said Hastings's, minister, the supply was not more plentiful or more regular than before.

LXIII. That the said Resident, Bristow, finding by experience the inefficacy of the courses which had been pursued with regard to the mother and grandmother of the reigning prince of Oude, and having received a report from Major Gilpin, informing him that all which could be done by force had been done, and that the only hope which remained for realizing the remainder of the money, unjustly exacted as aforesaid, lay in more lenient methods,* he, the said

* Major Gilpin's Letter, 18 Nov., 1782.

Resident, did, of his own authority, order the removal of the guard from the palaces, the troops being long and much wanted for the defence of the frontier, and other material services, — and did release the said ministers of the said women of rank, who had been confined and put in irons, and variously distressed and persecuted, as aforerecited, for near twelve months.*

LXIV. That the manner in which the said inhuman acts of rapacity and violence were felt, both by the women of high rank concerned, and by all the people, strongly appears in the joy expressed on their release, which took place on the 5th of December, 1782, and is stated in two letters of that date from Major Gilpin to the Resident, in the words following.

LXV. "I have to acknowledge the receipt of your letter of the 2d instant, and in consequence immediately enlarged the prisoners Behar Ali Khân and Jewar Ali Khân from their confinement: a circumstance that gave the Begums, and the city of Fyzabad in general, the greatest satisfaction.

LXVI. "In tears of joy Behar and Jewar Ali Khân expressed their sincere acknowledgments to the Governor-General, his Excellency the Nabob Vizier, and to you, Sir, for restoring them to that invaluable blessing, liberty, for which they would ever retain the most grateful remembrance; and at their request I transmit you the inclosed letters.

LXVII. "I wish you had been present at the en-

* Mr. Bristow's Letter, 2d Dec., 1782.

largement of the prisoners. The quivering lips, with the tears of joy stealing down the poor men's cheeks, was a scene truly affecting.

LXVIII. "If the prayers of these poor men will avail, you will, at the LAST TRUMP, be translated to the happiest regions in heaven."

LXIX. And the Resident, Bristow, knowing how acceptable the said proceeding would be to all the people of Oude, and the neighboring independent countries, did generously and politically, (though not truly,) in his letter to the princess mother attribute the said relief given to herself, and the release of her ministers, to the humanity of the said Warren Hastings, agreeably to whose orders he pretended to act: asserting, that he, the said Hastings, "was the spring from whence she was restored to her dignity and consequence." * And the account of the proceedings aforesaid was regularly transmitted to the said Warren Hastings on the 30th of December, 1782, with the reasons and motives thereto, and a copy of the report of the officer concerning the inutility of further force, attended with sundry documents concerning the famishing, and other treatment, of the women and children of the late sovereign: but the same appear to have made no proper impression on the mind of the said Warren Hastings; for no answer whatsoever was given to the said letter until the 3d of March, 1783, when the said Hastings, writing in his own character and that of the Council, did entirely pass by all the circumstances before recited, but did give directions for the renewal of measures of the like nature and

* Mr. Bristow's Letter, 12 Dec., 1782.

tendency with those which (for several of the last months at least of the said proceeding) had been employed with so little advantage to the interest and with so much injury to the reputation of the Company, his masters, in whose name he acted, — expressing himself in the said letter of the 3d of March, 1783, as follows: "We desire you will inform us what means have been taken for recovering the balance [the pretended balance of the extorted money] due from the Begums [princesses] at Fyzabad; and if necessary, you must recommend it to the Vizier *to enforce the most effectual means* for that purpose." And the Resident did, in his answer to the board, dated 31st March, 1783, on this peremptory order, again detail the particulars aforesaid to the said Warren Hastings, referring him to his former correspondence, stating the utter impossibility of proceeding further by force, and mentioning certain other disgraceful and oppressive circumstances, and in particular, that the Company did not, in plundering the mother of the reigning prince of her wearing apparel and beasts of carriage, receive a value in the least equal to the loss she suffered: the elephants having no buyer but the Nabob, and the clothes, which had last been delivered to Middleton at a valuation of thirty thousand pounds, were so damaged by ill keeping in warehouses, that they could not be sold, even for six months' credit, at much more than about eight thousand pounds; by which a loss in a single article was incurred of twenty-two thousand pounds out of the fifty, for the recovery of which (supposing it had been a just debt) such rigorous means had been employed, after having actually received upwards of five hundred thousand pounds in value to the Company, and extorted much more in

loss to the suffering individuals. And the said Bristow, being well acquainted with the unmerciful temper of the said Hastings, in order to leave no means untried to appease him, not contented with the letter to the Governor-General and Council, did on the same day write another letter *to him particularly*, in which he did urge several arguments, the necessity of using of which to the said Hastings did reflect great dishonor on this nation, and on the Christian religion therein professed, namely: "That he had experienced great embarrassment in treating with her [the mother of the reigning prince]; for, as the mother of the Vizier, the people look up to her with respect, and any hard measures practised against women of her high rank create discontent, and affect our national character." And the said Resident, after condemning very unjustly her conduct, added, "Still she is the mother of the prince of the country, and the religious prejudices of Mussulmen prevail too strongly in their minds to forget her situation."

LXX. That the said Warren Hastings did not make any answer to the said letter. But the mother of the prince aforesaid, as well as the mother of his father, being, in consequence of his, the said Hastings's, directions, incessantly and rudely pressed by their descendant, in the name of the Company, to pay to the last farthing of the demand, they did both positively refuse to pay any part of the pretended balances aforesaid, until their landed estates were restored to them; on the security of which alone they alleged themselves to be in a condition to borrow any money, or even to provide for the subsistence of themselves and their numerous dependants. And in order to

put some end to these differences, the Vizier did himself, about the beginning of August, 1783, go to Fyzabad, and did hold divers conferences with his parents, and did consent and engage to restore to them their landed estates aforesaid, and did issue an order that they should be restored accordingly; but his minister aforesaid, having before his eyes the peremptory orders of him, the said Warren Hastings, did persuade his master to dishonor himself in breaking his faith and engagement with his mother and the mother of his father, by first evading the execution, and afterwards totally revoking his said public and solemn act, on pretence that he had agreed to the grant "from shame, being in their presence [the presence of his mother and grandmother], and that it was unavoidable at the time"; * — the said minister declaring to him, that it would be sufficient, if he allowed them "money for their *necessary* expenses, and that would be *doing enough*."

LXXI. That the faith given for the restoration of their landed estates being thus violated, and the money for necessary expenses being as ill supplied as before, the women and children of the late sovereign, father of the reigning prince, continued exposed to frequent want of the common necessaries of life; † and being sorely pressed by famine, they were compelled to break through all the principles of local decorum and reserve which constitute the dignity of the female sex in that part of the world, and, after great clamor and violent attempts for one whole day to break the inclosure of the palace, and to force their

* Shoka from the Vizier to Hyder Beg Khân, 2d Ramsur, 1197.

† Bristow's Letter, 29th Jan., 1784, with inclosures.

way into the public market, in order to move the compassion of the people, and to beg their bread, they did, on the next day, actually proceed to the extremity of exposing themselves to public view,— an extremity implying the lowest state of disgrace and degradation, to avoid which many women in India have laid violent hands upon themselves, — and they did proceed to the public market-place with the starving children of the late sovereign, and the brothers and sisters of the reigning prince! A minute account of the transaction aforesaid was written to the British Resident at Lucknow by the person appointed to convey intelligence to him from Fyzabad, in the following particulars, highly disgraceful to the honor, justice, and humanity of this nation.

LXXII. "The ladies, their attendants and servants, were still as clamorous as last night. Letafit, the *darogah*, went to them and remonstrated with them on the impropriety of their conduct, at the same time assuring them that in a few days all their allowances would be paid, and should not that be the case, he would advance them ten days' subsistence, upon condition that they returned to their habitation. None of them, however, consented to his proposals, but were still intent upon making their escape through the *bazar* [market-place], and in consequence formed themselves into a line, arranging themselves in the following order: the children in the front; behind them the ladies of the seraglio; and behind them again their attendants: but their intentions were frustrated by the opposition which they met from Letafit's sepoys.

LXXIII. "The next day Letafit went twice to the women, and used his endeavors to make them return into the zenanah, promising to advance them ten thousand rupees; which, upon the money being paid down, they agreed to comply with: but night coming on, nothing transpired.

LXXIV. "On the day following their clamors were more violent than usual. Letafit went to confer with them upon the business of yesterday, offering the same terms. Depending upon the fidelity of his promises, they consented to return to their apartments, which they accordingly did, except two or three of the ladies, and most of their attendants. Letafit then went to Hossmund Ali Khân, to consult with him upon what means they should take. They came to a resolution of driving them in by force, and gave orders to their sepoys to beat any one of the women who should attempt to move forward. The sepoys consequently assembled; and each one being provided with a bludgeon, they drove them by dint of beating into the zenanah. The women, seeing the treachery of Letafit, proceeded to throw stones and bricks at the sepoys, and again attempted to get out; but finding that impossible, from the gates being shut, they kept up a continual discharge of stones and bricks till about ten, when, finding their situation desperate, they retired into the Kung Mohul, and forced their way from thence into the palace, and dispersed themselves about the house and garden; after this they were desirous of getting into the Begum's apartment, but she, being apprised of their intention, ordered her doors to be shut. In the mean time Letafit and Hossmund Ali Khân

posted sentries to secure the gates of the lesser Mohul. During the whole of this conflict, all the ladies and women remained exposed to the view of the sepoys. The Begum then sent for Letafit and Hossmund Ali Khân, whom she severely reprimanded, and insisted upon knowing the causes of this infamous behavior. They pleaded in their defence the impossibility of helping it, as the treatment the women had met with had been conformable to his Excellency the Vizier's orders. The Begum alleged, that, even admitting that the Nabob had given those orders, they were by no means authorized in this manner to disgrace the family of Sujah Dowlah; and should they not receive their allowance for a day or two, it could be of no great moment: what was passed was now at an end; but that the Vizier should certainly be acquainted with the whole of the affair, and that whatever he desired she should implicitly comply with. The Begum then sent for five of the children, who were wounded in the affray of last night, and, after endeavoring to soothe them, she sent again for Letafit and Hossmund Ali Khân, and in the presence of the children expressed her disapprobation of their conduct, and the improbability of Asoph ul Dowlah's suffering the ladies and children of Sujah Dowlah to be disgraced by being exposed to the view of the rabble. Upon which Letafit produced the letter from the Nabob, at the same time representing that he was amenable only to the orders of his Excellency, and that whatever he ordered it was his duty to obey, and that, had the ladies thought proper to have retired into their apartments quietly, he would not have used the means he had taken to compel them. The Begum again observed, that what

had happened was now over. She then gave the children four hundred rupees, and dismissed them, and sent word by Jumrud and the other eunuchs, that, if the ladies would peaceably retire to their apartments, Letafit would supply them with three or four thousand rupees for their personal expenses, and recommended to them not to incur any further disgrace, and that, if they did not think proper to act agreeable to her directions, they would do wrong. The ladies followed her advice, and about ten at night went back into the zenanah. The next morning the Begum waited upon the mother of Sujah Dowlah, and related to her all the circumstances of the disturbances. The mother of Sujah Dowlah returned for answer, that, after there being no accounts kept of crores of revenues, she was not surprised that the family of Sujah Dowlah, in their endeavors to procure a subsistence, should be obliged to expose themselves to the meanest of the people. After bewailing their misfortunes, and shedding many tears, the Begum took her leave, and returned home."

That the said affecting narrative being sent, with others of the same nature, on the 29th of January, 1784, to the said Warren Hastings, he did not order any relief in consequence thereof, or take any sort of notice whatsoever of the said intelligence.

LXXV. That the Court of Directors did express strong doubts of the propriety of seizing the estates aforesaid, and did declare to him, the said Hastings, "that the only consolation they felt on the occasion is, that the amount of those jaghires *for which the Company were guaranties* is to be paid *through our Resident at the court of the Vizier;* and it very materially

concerns the credit of your Governor on no account to *suffer such payments to be evaded.*" But the said Warren Hastings did never make the arrangement supposed in the said letter to be actually made, nor did he cause the Resident to pay them the amount of their jaghires, or to make any payment to them.

And the said Hastings being expressly ordered by the Court of Directors to restore to them their estates, in case the charges made upon them should not be found true, he, the said Hastings, did contumaciously and cruelly decline any compliance with the said orders until his journey to Lucknow, in ———, when he did, as he says, "conformably to the orders of the Court of Directors, and more to the inclination of the Nabob Vizier, restore to them their jaghires, but with the defalcation, according to his own account, of *a large portion* of their respective shares": pretending, without the least probability, that the said defalcation was a "voluntary concession on their part." But what he has left to them for their support, or in what proportion to that which he has taken away, he has nowhere stated to the Court of Directors, whose faith he has broken, and whose orders he has thus eluded, whilst he pretended to yield *some* obedience to them.

LXXVI. That the said Warren Hastings having made a malicious, loose, and ill-supported charge, backed by certain unsatisfactory affidavits, as a ground for his seizing on the jaghires and the treasures of the Vizier's mother, solemnly guarantied to them, the Court of Directors did, in their letter of the 14th of February, 1783, express themselves as follows concerning that measure, — "which the Governor-General, [he, the said Warren Hastings,] in his letter to your

board, the 23d of January, 1782, has declared *he strenuously encouraged and supported:* we hope and trust, for the honor of the British nation, that the measure appeared fully justified in the eyes of all Hindostan. The Governor-General has informed us that it can be well attested that the Begums [the mother and grandmother of the Nabob aforesaid] *principally* excited and supported the late commotions, and that they carried their inveteracy to the English nation so far *as to aim at our utter extirpation.*" And the Court of Directors did further declare as follows: "That it nowhere appears from the papers at present in our possession, that they [the mother and grandmother of the Nabob of Oude] excited any commotions previous to the imprisonment of Rajah Cheyt Sing, and only armed themselves in consequence of that transaction; and, as it is probable, that such a conduct proceeded from motives of self-defence, under an apprehension that they themselves might likewise be laid under unwarrantable contributions." And the said Court of Directors, in giving their orders for the restoration of the jaghires, or for the payment of an equivalent through the Resident, did give this order for the restoration of their estates as aforesaid on condition that it should appear from inquiry that they were not guilty of the practices charged upon them by the said Hastings. Mr. Stables, one of the Council-General, did, in execution of the said conditional order, propose an inquiry leading to the ascertainment of the condition, and did enter a minute as follows: "That the Court of Directors, by their letters of the 14th of February, 1783, seem not to be satisfied that the disaffection of the Begums to this government is sufficiently proved by the evi-

dence before them; I therefore think that the late and present Resident, and commanding officer in the Vizier's country at the time, should be called on to collect what further information they can on this subject, in which the honor and dignity of this government is so *materially concerned*, and that such information may be transmitted to the Court of Directors." And he did further propose heads and modes of inquiry suitable to the doubts expressed by the Court of Directors. But the said Warren Hastings, who ought long before, on principles of natural justice, to have instituted a diligent inquiry in support of his so improbable a charge, and was bound, even for his own honor, as well as for the satisfaction of the Court of Directors, to take a strong part in the said inquiry, did set himself in opposition to the same, and did carry with him a majority of Council against the said inquiry into the justice of the cause, or any proposition for the relief of the sufferers: asserting, "that the reasons of the Court of Directors, if transmitted with the orders for the inquiry, will prove in effect an order for collecting evidence *to the justification and acquittal of the Begums, and not for the investigation of the truth of the charges which have been preferred against them.*" That Mr. Stables did not propose (as in the said Hastings's minute is groundlessly supposed) that the reasons of the Court of Directors should be transmitted with the orders for an inquiry. But the apprehension of the said Warren Hastings of the probable result of the inquiry proposed did strongly indicate his sense of his own guilt and the innocence of the parties accused by him; and if, by his construction, Mr. Stables's minute did indicate an inquiry merely for the justification of the parties by

him accused, (which construction the motion did not bear,) it was no more than what the obvious rules of justice would well support, his own proceedings having been *ex parte*, — he having employed Sir Elijah Impey to take affidavits against the women of high rank aforesaid, not only without any inquiry made on their part, but without any communication to them of his practice and proceeding against them; and equity did at least require that they, with his own knowledge and by the subordinates of his own government, should be allowed a public inquiry to acquit themselves of the heavy offences with which they had been by him clandestinely charged.

LXXVII. That he, the said Hastings, in order to effectually stifle the said inquiry, did enter on record a further minute, asserting that the said inquiry would be productive "of evils greater than any which exist in the consequences which have already taken place, *and which time has almost obliterated*"; as also the following: "If I am rightly informed, the Nabob Vizier and the Begums are on terms of mutual goodwill. It would ill become this government to interpose its influence by any act which might tend to revive their animosities, — and a very slight occasion would be sufficient to effect it. They will instantly take fire on such a declaration, proclaim the judgment of the Company in their favor, demand a reparation of the acts which they will construe wrongs with such a sentence warranting that construction, and either accept the invitation to the proclaimed scandal of the Nabob Vizier, which *will not add to the credit of our government*, or remain in his dominions, but not under his authority, to add to his vexations

and the disorders of the country by continual intrigues and seditions. Enough already exists to affect his peace and the quiet of his people. If we cannot heal, let us not inflame the wounds *which have been inflicted.*" — "If the Begums think themselves aggrieved to such a degree as to justify them in *an appeal to a foreign jurisdiction*, to appeal to it against a man standing in the relation of son and grandson to them, *to appeal to the justice of those who have been the abettors and instruments of their imputed wrongs*, let us at least permit them to be the judges of their own feelings, and prefer their complaints before we offer to redress them. They will not need to be prompted. I hope I shall not depart from the simplicity of official language in saying, the majesty of justice ought to be approached with solicitation, not descend to provoke or invite it, much less to debase itself by the suggestion of wrongs and the promise of redress, with the denunciation of punishments before trial, and even before accusation."

LXXVIII. That the said Warren Hastings, in attempting to pass an act of indemnity for his own crimes, and of oblivion for the sufferings of others, supposing the latter *almost obliterated* by time, did not only mock and insult over the sufferings of the allies of the Company, but did show an indecent contempt of the understandings of the Court of Directors: because his violent attempts on the property and liberty of the mother and grandmother of the ally aforesaid had not their first commencement much above two years before that time, and had been continued, without abatement or relaxation on his part, to the very time of his minute; the Nabob having, by the insti-

gation of his, the said Hastings's, instrument, Hyder Beg Khân, not two months before the date of the Consultation, been obliged a second time to break his faith with relation to the estates of his mother, in the manner hereinbefore recited. And the said Hastings did not and could not conceive that the clearing the mother could revive any animosity between her and her son, by whom she never had been accused. The said Hastings was also sensible that the restoration of her landed estates, recommended by the Court of Directors, could not produce any ill effect on the mind of the said son, as it was "with almost unconquerable reluctance he had been persuaded to deprive her of them," and at the time of his submitting to become an instrument in this injustice, did "declare," both to the Resident and his ministers, "that it was an act of compulsion."

LXXIX. That the said Hastings further, by insinuating that the women in question would act amiss in appealing to *a foreign jurisdiction* against a son and grandson, could not forget that he himself, being that foreign jurisdiction, (if any jurisdiction there was,) did himself direct and order the injuries, did himself urge the calumnies, and did himself cause to be taken and produced the unsatisfactory evidence by which the women in question had suffered, — and that it was against him, the said Hastings, and not against their son, that they had reason to appeal. But the truth is, that the inquiry was moved for by Mr. Stables, not on the prayer or appeal of the sufferers, but upon the ill impression which the said Hastings's own conduct, merely and solely on his own state of it, and on his own evidence in support of it, had

made on the Court of Directors, who were his lawful masters, and not suitors in his court. And his arro gating to himself and his colleagues to be a tribunal, and a tribunal not for the purpose of doing justice, but of refusing inquiry, was an high offence and misdemeanor (particularly as the due obedience to the Company's orders was eluded on the insolent pretence "that the majesty of justice ought to be approached with solicitation, and that it would debase itself by the suggestion of wrongs and the promise of redress") in a Governor, whose business it is, even of himself, and unsolicited, not only to promise, but to afford, redress to all those who should suffer un der the power of the Company, even if their ignorance, or want of protection, or the imbecility of their sex, or the fear of irritating persons in rank and station, should prevent them from seeking it by formal solicitation.

LXXX. That the said Warren Hastings, at the time when he pretended ignorance of all solicitation for justice on the part of the women aforesaid, and on that pretence did refuse the inquiry moved by his colleague, Mr. Stables, had in all probability received from the Resident, Middleton, or, if he had made the slightest inquiry from the said Middleton, then at Calcutta, might immediately receive, an account that *they did actually solicit* the said Resident, through Major Gilpin, for redress against his, the said Hastings's, calumnious accusation, and the false testimony by which it was supported, and did send the said complaint to the Resident, Middleton, by the said Gilpin, to be transmitted to him, the said Hastings, and the Council, so early as the 19th of October, 1782;

and that she, the mother of the Nabob, did afterwards send the same to the Resident, Bristow, asserting their innocence, and accompanying the same with the copies of letters (the originals of which they asserted were in their hands) from the chief witnesses against them, Hannay and Gordon, which letters did directly overturn the charges or insinuations in the affidavits made by them, and that, instead of any accusation of an attempt upon them and their parties by the instigation of the mother of the Nabob, or by her ministers, they, the said Hannay and Gordon, did attribute their preservation to them and to their services, and did, with strong expressions of gratitude both to the mother of the Nabob and to her ministers, fully acknowledge the same: which remonstrance of the mother of the Nabob, and the letters of the said Hannay and Gordon, are annexed to this charge; and the said Hastings is highly criminal for not having examined into the facts alleged in the said remonstrance.

LXXXI. That the violent proceedings of the said Warren Hastings did tend to impress all the neighboring princes, some of whom were allied in blood to the oppressed women of rank aforesaid, with an ill opinion of the faith, honor, and decency of the British nation; and accordingly, on the journey aforesaid made by the Nabob from Lucknow to Fyzabad, in which the said Nabob did restore, in the manner before mentioned, the confiscated estates of his mother and grandmother, and did afterwards revoke his said grant, it appears that the said journey did cause a general alarm (the worst motives obtaining the most easy credit with regard to any future proceeding, on

account of the foregone acts) and excited great indignation among the ruling persons of the adjacent country, insomuch that Major Brown, agent to the said Warren Hastings at the court of the King Shah Al lum at Delhi, did write a remonstrance therein to Mr. Bristow, Resident at Oude, as follows.

"The evening of the 7th, at a conference I had with Mirza Shaffee Khân, he introduced a subject, respecting the Nabob Vizier, which, however it may be disagreeable for you to know, and consequently for me to communicate, I am under a necessity of laying before you. He told me he had received information from Lucknow, that, by the advice of Hyder Beg Khân, the Vizier had determined to bring his grandmother, the widow of Sufdar Jung, from Fyzabad to Lucknow, with a view of getting a further sum of money from her, by seizing on her eunuchs, digging up the apartments of her house at Fyzabad, and putting her own person under restraint. This, he said, he knew was not an act of our government, but the mere advice of Hyder Beg Khân, to which the Vizier had been induced to attend. He added, that the old Begum had resolved rather to put herself to death than submit to the disgrace intended to be put upon her; that, if such a circumstance should happen, there is *not a man in Hindostan who will attribute the act to the Vizier* [*Nabob of Oude*], *but every one will fix the odium on the English, who might easily, by the influence they so largely exercise in their own concerns there*, have prevented such unnatural conduct in the Vizier. He therefore called upon me, as the English representative in this quarter, to inform you of this, that you may prevent a step which will destroy all confidence in the English nation throughout Hin-

dostan, and excite the bitterest resentment in all those who by blood are connected with the house of Sufdar Jung. He concluded by saying, that, 'if the Vizier so little regarded his family and personal honor, or his natural duty, as to wish to disgrace his father's mother for a sum of money, let him plunder her of all she has, but let him send her safe up to Delhi or Agra, and, poor as I am, I will furnish subsistence for her, which she shall possess with safety and honor, though it cannot be adequate to her rank.'

"This, Sir, is a most exact detail of the conversation (as far as related to that affair) on the part of Mirza Shaffee Khân. On my part I could only say, that I imagined the affair was misrepresented, and that I should write as he requested. Let me therefore request that you will enable me to answer in a more effectual manner any further questions on this subject.

LXXXII. "As Mirza Shaffee's grandfather was brother to Sufdar Jung, there can be no doubt of what his declaration means; and if this measure of dismissing the old Begum should be persisted in, I should not, from the state of affairs, and the character of the Amir ul Omrah, be surprised at some immediate and violent resolution being adopted by him."

LXXXIII. That Mirza Shaffee, mentioned in this correspondence, (who has since been murdered,) was of near kindred to the lady in question, (grandmother to the Nabob,) was resident in a province immediately adjoining to the province of Oude, and, from proximity of situation and nearness of connection, was likely to have any intelligence concerning his female relations from the best authority.

LXXXIV. That the Resident, Bristow, on receiving this letter, did apply to the said Hyder Beg Khân for an explanation of the Nabob's intentions, who denied that the Nabob intended more than a visit of duty and ceremony: which, whatever his dispositions might have been, and probably were, towards his own mother, was not altogether probable, as it was well known that he was on very bad terms with the mother of his father, and it appears that intentions of a similar nature had been before manifested even with regard to his own mother, and therefore obtained the more easy credit concerning the other woman of high rank aforesaid, especially as the evil designs of the said Hyder Beg were abundantly known, and that the said Hastings, upon whom he did wholly depend, continued to recommend "the most effectual, that is, the most violent, means for the recovery of the small remains of his extorted demand." But although it does not appear that the Resident did give credit to the said report, yet the effect of the same on the minds of the neighboring princes did make it proper and necessary to direct a strict inquiry into the same, which was not done; and it does not appear that any further inquiry was made into the true motives for this projected journey to Fyzabad, nor into the proceedings of Hyder Beg Khân, although the said Warren Hastings well knew that all the acts of the Nabob and his principal ministers were constantly attributed to him, and that it was known that secret agents, as well as the Company's regular agent, were employed by him at Lucknow and other places.

LXXXV. That the said Hastings, who did, on pretence of the majesty of justice, refuse to inquire

into the charges made upon the female parents of the Nabob of Oude, in justification of the violence offered to them, did voluntarily and of his own accord make himself an accuser of the Resident, Middleton, for the want of a literal execution of his orders in the plans of extortion and rapine aforesaid: the criminal nature, spirit, and tendency of the said proceedings, for the defective execution of which he brought the said charge, appearing in the defence or apology made by Mr. Middleton, the Resident, for his temporary and short forbearances.

LXXXVI. "It could not, I flatter myself, be termed a long or unwarrantable delay [two days], when the importance of the business, and the peculiar embarrassments attending the prosecution of it to its desired end, are considered. The Nabob was *son* to the Begum whom we were to proceed against: a son against a mother must at least *save appearances in his mode of proceeding*. The produce of his negotiation was to be received by the Company. Receiving a benefit, accompanying the Nabob, withdrawing their protection, were circumstances sufficient to *mark the English as the principal movers in this business*. At a court where no opportunity is lost to throw odium on us, so favorable an occasion was not missed to persuade the Nabob that we instigated him to dishonor his family for our benefit. The impressions made by these suggestions constantly retarded the progress, and more than once actually broke off the business: which rendered the utmost caution on my part necessary, especially as I had no assistance to expect from the ministers, who could not openly move in the business. In the East, it is well known that no man,

either by himself or his troops, can enter the walls of a zenanah, scarcely in the case of acting against an open enemy, much less of *an ally*, — *an ally acting against his own mother*. The outer walls, and the Begum's agents, were all that were liable to immediate attack: they were dealt with, and successfully, as the event proved." — He had before observed to Mr. Hastings, in his correspondence, what Mr. Hastings well knew to be true, "that no farther rigor than that he had exerted could be used against females in that country; where force could be employed, it was not spared; — that the place of concealment was only known to the chief eunuchs, who could not be drawn out of the women's apartments, where they had taken refuge, and from which, if an attempt had been made to storm them, they might escape; and the secret of the money being known only to them, it was necessary to get their persons into his hands, which could be obtained by negotiation only." — The Resident concluded his defence by declaring his "hope, that, if the main object of his orders was fulfilled, he should be no longer held criminal for a deviation from the precise letter of them."

LXXXVII. That the said Warren Hastings did enter a reply to this answer, in support of his criminal charge, continuing to insist "that his orders ought to have been literally obeyed," although he did not deny that the above difficulties occurred, and the above consequences must have been the result, — and though the reports of the military officers charged with the execution of his commission confirmed the moral impossibility, as well as inutility in point of profit, of forcing a son to greater violence and rigor against his mother.

LXXXVIII. That the said Hastings, after all the acts aforesaid, did presume to declare on record, in his minute of the 23d September, 1783, "that, whatever may happen of the events which he dreads in the train of affairs now subsisting, he shall at least receive this consolation under them, that he used his utmost exertions to prevent them, and that in the annals of the nations of India which have been subjected to the British dominions *HE shall not be remembered among their oppressors.*" And speaking of certain alleged indignities offered to the Nabob of Oude, and certain alleged suspicions of his authority with regard to the management of his household, he, the said Hastings, did, in the said minute, endeavor to excite the spirit of the British nation, severely animadverting on such offences, making use of the following terms: "If there be a spark of generous virtue in the breasts of any of my countrymen who shall be the readers of this compilation, this letter" (a letter of complaint from the Nabob) "shall stand for an instrument to awaken it to the call of vengeance against so flagitious an abuse of authority and reproach to the British name."

From her Excellency the Bhow Begum to Mr. Bristow, Resident at the Vizier's Court.

THERE is no necessity to write to you by way of information a detail of my sufferings. From common report, and the intelligence of those who are about you, the account of them will have reached your ears. I will here relate a part of them.

After the death of Sujah Dowlah, most of his ungrateful servants were constantly laboring to gratify

their enmity; but finding, from the firm and sincere friendship which subsisted between me and the English, that the accomplishment of their purposes was frustrated, they formed the design of occasioning a breach in that alliance, to insure their own success. I must acquaint you that my son Asoph ul Dowlah had formerly threatened to seize my jaghire; but, upon producing the treaty signed by you, and showing it to Mr. Middleton, he interfered, and prevented the impending evil. The conspiration now framed an accusation against me of a conduct which I had never conceived even in idea, of rendering assistance to Rajah Cheyt Sing. The particulars are as follow. My son Asoph ul Dowlah and his ministers, with troops and a train of artillery, accompanied by Mr. Middleton, on the 16th of the month of Mohurum, arrived at Fyzabad, and made a demand of a crore of rupees. As my inability to pay so vast a sum was manifest, I produced the treaty *you* signed and gave me, but to no effect: their hearts were determined upon violence. I offered my son Asoph ul Dowlah, whose will is dearer to me than all my riches, or even life itself, whatever money and goods I was possessed of: but an amicable adjustment seemed not worth accepting: he demanded the delivering up the fort, and the recall of the troops that were stationed for the preserving the peace of the city. To me tumult and discord appeared unnecessary. I gave up these points, upon which they seized my head eunuchs, Jewar Ali Khân and Behar Ali Khân, and sent them to Mr. Middleton, after having obliged them to sign a bond for sixty lacs of rupees; they were thrown into prison, with fetters about their feet, and denied food and water. I, who had never, even in my dreams, expe-

rienced such an oppression, gave up all I had to preserve my honor and dignity: but this would not satisfy their demands: they charged me with a rupee and a half batta upon each mohur, and on this account laid claims upon me to the amount of six lacs some thousand rupees, and sent Major Gilpin to exact the payment. Major Gilpin, according to orders, at first was importunate; but being a man of experience, and of a benevolent disposition, when he was convinced of my want of means, he changed his conduct, and was willing to apply to the shroffs and bankers to lend me the money. But with the loss of my jaghire my credit was sunk; I could not raise the sum. At last, feeling my helpless situation, I collected my wardrobe and furniture, to the amount of about three lacs of rupees, besides fifty thousand rupees which I borrowed from one place or other, and sent Major Gilpin with it to Lucknow. My sufferings did not terminate here. The disturbances of Colonel Hannay and Mr. Gordon were made a pretence for seizing my jaghire. The state of the matter is this. When Colonel Hannay was by Mr. Hastings ordered to march to Benares, during the troubles of Cheyt Sing, the Colonel, *who had plundered the whole country, was incapable of proceeding, from the union of thousands of zemindars, who had seized this favorable opportunity:* they harassed Mr. Gordon near Junivard [Juanpore ?], and the zemindars of that place and Acberpore opposed his march from thence, till he arrived near Taunda. As the Taunda nullah, from its overflowing, was difficult to cross without a boat, Mr. Gordon sent to the Phousdar to supply him. He replied, the boats were all in the river, but would, according to orders, assist him as soon as possible. Mr. Gordon's

situation would not admit of his waiting: he forded the nullah upon his elephant, and was hospitably entertained and protected by the Phousdar for six days. In the mean time a letter was received by me from Colonel Hannay, desiring me to escort Mr. Gordon to Fyzabad. As my friendship for the English was always sincere, I readily complied, and sent some companies of nejeebs to escort Mr. Gordon, and all his effects, to Fyzabad, where, having provided for his entertainment, I effected his junction with Colonel Hannay. The letters of thanks I received from both these gentlemen upon this occasion are still in my possession, copies of which I gave in charge to Major Gilpin, to be delivered to Mr. Middleton, that he might forward them to the Governor-General. To be brief, those who have loaded me with accusations are now clearly convicted of falsehood. But is it not extraordinary, notwithstanding the justness of my cause, that nobody relieves my misfortunes? Why did Major Gilpin return without effect?

My prayers have been constantly offered to Heaven for your arrival; report has announced it; for which reason I have taken up the pen, and request you will not place implicit confidence in my accusers, but, weighing in the scale of justice their falsehoods and my representations, you will exert your influence in putting a period to the misfortunes with which I am overwhelmed.

Copy of a Letter from Colonel Hannay to Jewar Ali Khân and Behar Ali Khân.

I had the pleasure to receive your friendly letter, fraught with benevolence; and whatever favors you,

my friends, have been pleased to confer respecting Mr. Gordon afforded me the greatest pleasure.

Placing a firm reliance on your friendship, I am in expectation that the aforesaid gentleman, with his baggage, will arrive at Fyzabad in safety, that the same may oblige and afford satisfaction to me.

A letter from Mr. Gordon is inclosed to you. I am in expectation of its being inclosed in a cover to the Aumil of Taunda, to the end that the Aumil may forward it to the above-mentioned gentleman, and procure his reply. Whenever the answer arrives, let it be delivered to Hoolas Roy, who will forward it to me.

Always rejoice me by a few lines respecting your health. [Continue to honor me with your correspondence.]

Copy of a Letter from Colonel Hannay to Jewar and Behar Ali Khân.

Khân Saib, my indulgent friends, remain under the protection of God!

Your friendly letter, fraught with kindness, accompanied by an honorary letter from the Begum Saib, of exalted dignity, and inclosing a letter from Mr. Gordon, sent through your hircarrahs, obliged and rejoiced me.

With respect to what you communicate regarding your not having received an answer to your friendly epistle, I became perfectly astonished, as a reply was written from Mohadree. It may be owing to the danger of the road that it never arrived, — not to the smallest neglect on my side [or of mine].

I now send two letters to you, — one by the Dawk people, and the second by one of my hircarrahs, (who

will present them to you,) which you certainly will receive.

I am extremely well contented and pleased with the friendship you have shown.

You wrote me to remain perfectly easy concerning Mr. Gordon. Verily, from the kindness of you, my indulgent friends, my heart is quite easy. You also observed and mentioned, that, as Mr. Gordon's coming with those attached to him [probably his sepoys and others] might be attended with difficulty, if I approved, he should be invited alone to Fyzabad. My friends, I place my expectation entirely upon your friendships, and leave it to you to adopt the manner in which the said gentleman may arrive in security, without molestation, at Fyzabad; but at the same time let the plan be so managed that it may not come to the knowledge of any zemindars: in this case you are men of discernment. However, he is to come to Fyzabad: extend your assistance and endeavors.

It is probable that the Begum Saib, of high dignity, has received authentic intelligence from the camp at Benares. Favor me with the contents or purport.

From Mr. Gordon's letter I understand that Mirza Imaum Buksh, whom you dispatched thither [Taunda], has and still continues to pay great attention to that gentleman, which affords me great pleasure.

An answer to the Begum's letter is to be presented. I also send a letter for Mr. Gordon, which please to forward.

An Address from Colonel Hannay to the Begum.

Begum Saib, of exalted dignity and generosity, &c., whom God preserve!

Your exalting letter, fraught with grace and benevolence, that through your unbounded generosity and goodness was sent through grace and favor, I had the honor to receive in a fortunate moment, and whatever you were pleased to write respecting Mr. Gordon,—"that, as at this time the short-sighted and deluded ryots had carried their disturbances and ravages beyond all bounds, Mr. Gordon's coming with his whole people [or adherents] might be attended with difficulty, and therefore, if I chose, he should be invited to come alone." Now, as your Highness is the best judge, your faithful servant reposeth his most unbounded hopes and expectation upon your Highness, that the aforesaid Mr. Gordon may arrive at Fyzabad without any apprehension or danger. I shall be then extremely honored and obliged.

Considering me in the light of a firm and faithful servant, continue to honor and exalt me by your letters.

What further can I say?

A Copy of an Address from Mr. Gordon to the Begum.

Begum Saib, of exalted dignity and generosity, whom God preserve!

After presenting the usual professions of servitude, &c., in the customary manner, my address is presented.

Your gracious letter, in answer to the petition of your servant from Goondah, exalted me. From the contents I became unspeakably impressed with the honor it conferred. May the Almighty protect that royal purity, and bestow happiness, increase of wealth, and prosperity!

The welfare of your servant is entirely owing to your favor and benevolence. A few days have elapsed since I arrived at Goondah with the Colonel Saib.

This is presented for your Highness's information. I cherish hopes from your generosity, that, considering me in the light of one of your servants, you will always continue to exalt and honor me with your gracious letters.

May the sun of prosperity continually shine!

Copy of a Letter to Mahomed Jewar Ali Khân and Behar Ali Khân, from Mr. Gordon.

Sirs, my indulgent friends,
Remain under, &c., &c.

After compliments. I have the pleasure to acquaint you that yesterday having taken leave of you, I passed the night at Noorgunge, and next morning, about ten or eleven o'clock, through your favor and benevolence, arrived safe at Goondah. Mir Aboo Buksh, zemindar, and Mir Rustum Ali, accompanied me.

To what extent can I prolong the praises of you, my beneficent friends? May the Supreme Being, for this benign, compassionate, humane action, have you in His keeping, and increase your prosperity, and speedily grant me the pleasure of an interview! Until which time continue to favor me with friendly letters, and oblige me by any commands in my power to execute.

May your wishes be ever crowned with success!

My compliments, &c., &c., &c.

Copy of a Letter from Colonel Hannay to Jewar Ali Khân and Behar Ali Khân.

Khân Saib, my indulgent friends,

Remain under the protection of the Supreme Being!

After compliments, and signifying my earnest desire of an interview, I address you.

Your friendly letter, fraught with kindness, I had the pleasure to receive in a propitious hour, and your inexpressible kindness in sending for Mir Nassar Ali with a force to Taunda, for the purpose of conducting Mr. Gordon, with all his baggage, who is now arrived at Fyzabad.

This event has afforded me the most excessive pleasure and satisfaction. May the Omnipotence preserve you, my steadfast, firm friends! The pen of friendship itself cannot sufficiently express your generosity and benevolence, and that of the Begum of high dignity, who so graciously has interested herself in this matter. Inclosed is an address for her, which please to forward. I hope from your friendship, until we meet, you will continue to honor me with an account of your health and welfare. What further can I write?

V. — REVOLUTIONS IN FURRUCKABAD.

I. That a prince called Ahmed Khân was of a family amongst the most distinguished in Hindostan, and of a nation famous through that empire for its valor in acquiring, and its policy and prudence in well governing the territories it had acquired, called the Patans, or Afghans, of which the Rohillas were a branch. The said Ahmed Khân had fixed his residence in the

city of Furruckabad, and in the first wars of this nation in India the said Ahmed Khân attached himself to the Company against Sujah Dowlah, then an enemy, now a dependant on that Company. Ahmed Khân, towards the close of his life, was dispossessed of a large part of his dominions by the prevalence of the Mahratta power; but his son, a minor, succeeded to his pretensions, and to the remainder of his dominions. The Mahrattas were expelled by Sujah ul Dowlah, the late Vizier, who, finding a want of the services of the son and successor of Ahmed Khân, called Muzuffer Jung, did not only guaranty him in the possession of what he then actually held, but engaged to restore all the other territories which had been occupied by the Mahrattas; and this was confirmed by repeated treaties and solemn oaths, by the late Vizier and by the present. But neither the late nor the present Vizier fulfilled their engagements, or observed their oaths: the former having withheld what he had stipulated to restore; and the latter not only subjecting him to a tribute, instead of restoring him to what his father had unjustly withheld, but having made a further invasion by depriving him of fifteen of his districts, levying the tribute of the whole on the little that remained, and putting the small remains of his territory under a sequestrator or collector appointed by Almas Ali Khân, who did grievously afflict and oppress the prince and territory aforesaid.

That the hardships of his case being frequently represented to Warren Hastings, Esquire, he did suggest a doubt whether "that little ought to be still subject to tribute," indicating that the said tribute might be hard and inequitable, — but, whatever its justice might have been, that, "from the *earliest period* of our con-

nection with the present Nabob of Oude, it had invariably continued a part of the funds assigned by his Excellency as a provision for the liquidation of the several public demands of *this government* [Calcutta] upon him; and in consequence of the powers the board deemed it expedient to vest in the Resident at his court for the collection of the Company's assignments, a *sezauwil* [a sequestrator] has always been stationed to enforce by every means in his power the payment of the tribute." And the said tribute was, in consequence of this arrangement, not paid to the Nabob, but to the British Resident at Oude; and the same being therefore under the direction and for the sole use of the Company, and indeed the prince himself wholly dependent, the representatives of the said Company were responsible for the protection of the prince, and for the good government of the country.

II. That the said Warren Hastings did, on the 22d of May, 1780, represent to the board of Calcutta the condition of the said country in the following manner.

"To the total want of all order, regularity, or *authority* in his government [the Furruckabad government], among *other obvious causes*, it may, no doubt, be owing, that the country of Furruckabad is become *an almost entire waste, without cultivation or inhabitants;* that the capital, which but a very short time ago was distinguished as one of the most *populous and opulent* commercial cities in Hindostan, at present exhibits nothing *but* scenes of the most wretched poverty, desolation, and misery; and the Nabob himself, though in possession of a tract of country which with only common care is notoriously capable of yielding

an annual revenue of between thirty and forty lacs [three or four hundred thousand pounds], with *no military establishment to maintain, scarcely commanding the means of bare subsistence.*" And the said Warren Hastings, taking into consideration the said state of the country and its prince, and that the latter had "*preferred frequent complaints*" (which complaints the said Hastings to that time did not lay before the board, as his duty required) "*of the hardships and indignities* to which he is subjected by the conduct of the sezauwil [sequestrator] stationed in the country for the purpose of levying the annual tribute which he is bound by treaty to pay to the Subah of Oude," he, the said Warren Hastings, did declare himself "extremely desirous, as well from motives of *common justice* as *due* regard to *the rank which that chief holds among the princes of Hindostan*, of affording him relief." And he, the said Warren Hastings, as the means of the said relief, did, with the consent of the board, order the said native sequestrator to be removed, and an English Resident, a servant of the Company, to be appointed in his room, declaring "he understood a local interference to be *indispensably necessary* for realizing the Vizier's just demands."

III. That the said native sequestrator being withdrawn, and a Resident appointed, no complaint whatever concerning the collection of the revenue, or of any indignities offered to the prince of the country or oppression of his subjects by the said Resident, was made to the Superior Council at Calcutta; yet the said Warren Hastings did, nevertheless, in a certain paper, purporting to be a treaty made at Chunar with the Nabob of Oude, on the 19th September, 1781, at

the request of the said Nabob, consent to an article therein, "That no English Resident be appointed to Furruckabad, and that the present be recalled." And the said Warren Hastings, knowing that the Nabob of Oude was ill-affected towards the said Nabob of Furruckabad, and that he was already supposed to have oppressed him, did justify his conduct on the principles and in the words following: "That, if the Nabob Muzuffer Jung *must* endure oppression, (*and I dare not at this time propose his total relief*,) it concerns the reputation of our government to remove *our participation in it.*" And the said Warren Hastings making, recording, and acting upon the first of the said false and inhuman suppositions, most scandalous to this nation, namely, that princes paying money wholly for the use of the Company, and directly to its agent, for the maintenance of British troops, by whose force and power the said revenue was in effect collected, must of necessity endure oppression, and that our government at any time *dare* not propose their *total* relief, was an high offence and misdemeanor in the said Warren Hastings, and the rather, because in the said treaty, as well as before and after, the said Hastings, who pretended not to dare to relieve those oppressed by the Nabob of Oude, did assume a complete authority over the said Nabob himself, and did dare to oppress him.

IV. That the second principle assumed by the said Warren Hastings, as ground for voluntarily abandoning the protection of those whom he had before undertaken to relieve, *on the sole strength of his own authority*, and in full confidence of the lawful foundation thereof, and for delivering over the persons so

taken into protection, under false names and pretended descriptions, to known oppression, asserting that the reputation of the Company was saved by removing this apparent participation, when the new as well as the old arrangements were truly and substantially acts of the British government, was disingenuous, deceitful, and used to cover unjustifiable designs: since the said Warren Hastings well knew that all oppressions exercised by the Nabob of Oude were solely, and in this instance particularly, upheld by British force, and were imputed to this nation; and because he himself, in not more than three days after the execution of this treaty, and in virtue thereof, did direct the British Resident at Oude, in orders *to which he required his most implicit obedience*, "that the ministers [the Nabob of Oude's ministers] are to choose *all* aumils and collectors of revenue with your concurrence." And the dishonor to the Company, in thus deceitfully concurring in oppression, which they were able and were bound to prevent, is much aggravated by the said Warren Hastings's receiving from the person to whose oppression he had delivered the said prince, as a private gift or donation to himself and for his own use, a sum of money amounting to one hundred thousand pounds and upwards, which might give just ground of suspicion that the said gift from the oppressor to the person surrendering the person injured to his mercy might have had some share in the said criminal transaction.

V. That the said Warren Hastings did (in the paper justifying the said surrender of the prince put by himself under the protection of the East India Company) assert, "that it was a fact, that the Na-

oob Muzuffer Jung [the Nabob of Furruckabad] is equally urgent with the Nabob Vizier for the removal of a Resident," without producing, as he ought to have done, any document to prove his improbable assertion, namely, his assertion that the oppressed prince did apply to his known enemy and oppressor, the Nabob of Oude, (who, if he would, was not able to relieve him against the will of the English government,) rather than to that English government, which he must have conceived to be more impartial, to which he had made his former complaint, and which was alone able to relieve him.

VI. That the said Warren Hastings, in the said writing, did further convey an insinuation of an ambiguous, but, on any construction, of a suspicious and dangerous import, viz.: "It is a fact, that Mr. Shee's [the Resident's] authority over the territory of Furruckabad is in itself as much subversive of that [*of the lawful rulers*] as that of the Vizier's aumil [collector] ever was, and is the more *oppressive* as the power from whence it is derived is greater." The said assertion proceeds upon a supposition of the illegality both of the Nabob's and the Company's government; all consideration of the *title* to authority being, therefore, on that supposition, put out of the question, and the whole turning only upon the *exercise* of authority, the said Hastings's suggestion, that the oppression of government must be in proportion to its power, is the result of a false and dangerous principle, and such as it is criminal for any person intrusted with the lives and fortunes of men to entertain, much more, publicly to profess as a rule of action, as the same hath a direct tendency to make

the new and powerful government of this kingdom in India dreadful to the natives and odious to the world. But if the said Warren Hastings did mean thereby indirectly to insinuate that oppressions had been actually exercised under the British authority, he was bound to inquire into these oppressions, and to animadvert on the person guilty of the same, if proof thereof could be had, — and the more, as the authority was given by *himself*, and the person exercising it was by himself also named. And the said Warren Hastings did on another occasion assert that "wheth er they were well or ill-founded he never had an opportunity to ascertain." But it is not true that the said Hastings did or could want such opportunity: the fact being, that the said Warren Hastings did never cause any inquiry to be made into any supposed abuses during the said Residency, but did give a pension of fifteen hundred pounds a year to the said late Resident as a compensation to him for an injury received, and did afterwards promote the Resident, as a faithful servant of the Company, (and nothing appears to show him otherwise,) to a judicial office of high trust, — thereby taking away all credit from any grounds asserted or insinuated by the said Hastings for delivering the said Nabob of Furruckabad to the hand of a known enemy and oppressor, who had already, contrary to repeated treaties, deprived him of a large part of his territories.

VII. That, on the said Warren Hastings's representation of the transaction aforesaid to the Court of Directors, they did heavily and justly censure the said Warren Hastings for the same, and did convey their censure to him, recommending relief to the suf-

fering prince, but without any order for sending a new Resident: being, as it may be supposed, prevented from taking that step by the faith of the treaty made at Chunar.

VIII. That all the oppressions foreseen by him, the said Warren Hastings, when he made the article aforesaid in the treaty of Chunar, did actually happen: for, immediately on the removal of the British Resident, the country of Furruckabad was subjected to the discretion of a certain native manager of revenue, called Almas Ali Khân, who did impoverish and oppress the country and insult the prince, and did deprive him of all subsistence from his own estates, — taking from him even his gardens and the tombs of his ancestors, and the funds for maintaining the same.

IX. That, on complaint of those proceedings, the said Hastings did of his own authority, and without communicating with his Council, direct the native collector aforesaid to be removed, and the territory of Furruckabad to be left to the sole management of its natural prince. But in a short time the said Hastings, pretending to receive many complaints purporting that the tribute to the Nabob remained wholly unpaid, and the agent to the prince of Furruckabad at the Presidency, and afterwards chief manager to the prince aforesaid, having, as the said Warren Hastings saith, "had the insolence to propagate a report that the *interference* to which his master owed the power he then enjoyed was *purchased* through him," he, the said Hastings, did again (but, as before, without the Council) "withdraw his protection and inter-

ference altogether," on or about the month of August, 1782, and did signify his resolution, through the Resident, Middleton, to the Nabob Vizier. But the said Hastings asserts that "the consequence of this his own second dereliction of the prince of Furruckabad was *an aggravated renewal of the severities* exercised against his government, and the reappointment of a sezauwil, with powers delegated or assumed, to the *utter extinction* of the rights of Muzuffer Jung, and actually depriving him of the means of subsistence." And the said Hastings did receive, on the 16th of February, 1783, from the prince aforesaid, a bitter complaint of the same to the following tenor.

"The miseries which have fallen upon my country, and the poverty and distress which have been heaped upon me by the reappointment of the sezauwil, are such, that a relation of them would, I am convinced, excite the strongest feelings of compassion in your breast. But it is impossible to relate them: on one side, my country ruined and uncultivated to a degree of desolation which exceeds all description; on the other, my domestic concerns and connections involved *in such a state of distress and horror, that even the relations, the children, and the wives of my father are starving in want of daily bread, and are on the point of flying voluntary exiles from their country and from each other.*"

But although the said Hastings did, on the 16th of February, receive and admit the justice of the said complaint, and did not deny the urgent necessity of redress, the said letter containing the following sentence, "If there should be *any delay* in your acceptance of this proposal, *my existence and the existence of my family will become difficult and doubtful*," — and

although he did admit the interference to be the more urgently demanded, "as the services of the English troops have been added to enforce the authority of the sezauwil,"—and although he admits also, that, even before that time, similar complaints and applications had been made,—yet he did withhold the said letter of complaint, a minute of which he asserts he had, at or about that time, prepared for the relief of the sufferer, from the Board of Council, and did not so much as propose anything relative to the same for seven months after, viz., until the 6th of October, 1783: the said letter and minute being, as he asserts, "*withheld*, from causes *not necessary to mention*, from presentation." By which means the said country and prince did suffer a long continuance of unnecessary hardship, from which the said Hastings confessed it was his duty to relieve them, and that a British Resident was necessary at Furruckabad, "from a sense of submission to the *implied* orders of the Court of Directors in their letter of 1783, lately received, added to *the conviction I have LONG SINCE* entertained *of the necessity of such an appointment for the preservation of our national credit*, and the means of rescuing an ancient and respectable family from ruin."

And the said Warren Hastings did at length perform what he thought had *long since* been necessary; and in contradiction to his engagements with the Nabob in the treaty of Chunar, and against his strong remonstrances, urging his humiliation from this measure, and the faith of the agreement, and against his own former declaration that it concerned the reputation of our government to remove our participation in the oppressions which he, the said Hast-

ings, supposed the prince of Furruckabad must undergo, did once more recommend to the Council a British Resident at Furruckabad, and the withdrawing the native sezauwil: no course being left to the said Hastings to take which was not a violation of some engagement, and a contradiction to some principle of justice and policy by him deliberately advanced and entered on record.

That Mr. Willes being appointed Resident, and having arrived at Furruckabad on the 25th of February, 1784, with instructions to inquire minutely into the state of the country and the ruling family, he, the said Resident, Willes, in obedience thereto, did fully explain to him, the Governor-General, the said Warren Hastings, (he being then out of the Company's provinces, at Lucknow, on a delegation which respected this very country, as part of the dependencies of Oude,) the situation of the province of Furruckabad; but the said Warren Hastings did not take or recommend any measure whatsoever for the relief thereof in consequence of the said representation, nor even communicate to the Council-General the said representation; and it was not until the 28th of June, 1783 [1785?], that is, sixteen months from the arrival of the Resident at his station, that anything was laid before the board relative to the regulation or relief of the distressed country aforesaid, and that not from the said Warren Hastings, but from other members of the Council: which purposed neglect of duty, joined to the preceding wilful delay of seven months in proposing the said relief originally, caused near two years' delay. And the said Warren Hastings is further culpable in not communicating to the Council Board the order which he had, of his own authority,

and without any powers from them, given to the said Resident, Willes, and did thereby prevent them from taking such steps as might counteract the ill effects of the said order; which order purported, that the said Willes was not to interfere with the Nabob of Furruckabad's government, for the regulation of which he was in effect appointed to the Residency, — declaring as follows: "I rely much on your moderation and good judgment, which I hope will enable you to regulate your conduct towards the Nabob and his *servants* in such a manner, that, *without interfering in the executive part of his government*, you may render him essential service by *your council and advice*." And this restriction the said Hastings did impose, which totally frustrated the purpose of the Resident's mission, though he well knew, and had frequently stated, the extreme imbecility and weakness of the said Nabob of Furruckabad, and his subjection to unworthy servants; and in the Minute of Consultation upon which he founded the appointment did state the Nabob of Furruckabad "as a weak and unexperienced young man, who had abandoned himself entirely to the discretion of his servants, and the restoration of his independence was followed by a *total* breach of the engagements he had promised to fulfil, attended by pointed instances of contumacy and disrespect"; and in the said minute the said Hastings adds, (as before mentioned,) his principal servant and manager had propagated a report that the "*interference*" (namely, his, the said Hastings's, interference) "to which his master owed the power he then enjoyed was purchased by him," the principal servant aforesaid: yet he, the said Hastings, who had assigned on record the character of the said Nabob, and the con-

duct of his servants, and the aforesaid report of his principal servant, so highly dishonorable to him, the said Hastings, as reasons for taking away the independency of the Nabob of Furruckabad, and the subjecting him to the oppression of the Nabob of Oude's officer, Almas Ali, did again himself establish the pretended independence of the said prince of Furruckabad, and the real independence of his corrupt and perfidious servants, not against the Nabob of Oude, but against a British Resident appointed by himself ("as a character eminently qualified for such a charge") for the correction of those evils, and for rendering the prince aforesaid an useful ally to the Company, and restoring his dominions to order and plenty.

That the said Hastings did not only disable the Resident at Furruckabad by his said prohibitory letter, but did render his very remaining at all in that station perfectly precarious by a subsequent letter, rendering him liable to dismission by the Vizier, — thereby changing the tenure of the Resident's office, and changing him from a minister of the Company, dependent on the Governor-General and Council, to a dependant upon an unresponsible power, — in this also acting without the Council, and by his own usurped authority: and accordingly the said Resident did declare, in his letter of the 24th of April, 1785, "that the situation of the country was *more* distressful than when he [the prince of Furruckabad] addressed himself for relief in 1783, and that he was sorry to say that his appointment at Furruckabad was of no use"; that, though the old tribute could not be paid, owing to famine and other causes, it was increased by a new imposition, making the whole equal the entire *gross* produce of the revenue; that

therefore there will not be "*anything for the subsistence of the Nabob and family.*" And the uncles of the said Nabob of Furruckabad, the brethren of the late Ahmed Khân, (who had rendered important services to the Company,) and their children, in a petition to the Resident, represented that soon after the succession of Muzuffer Jung "their misery commenced. The jaghires [lands and estates] on which they subsisted were disallowed. Our distress is great: we have neither clothes nor food. Though we felt hurt at the idea of explaining our situation, yet, could we have found a mode of conveyance, we would have proceeded to Calcutta for redress. The scarcity of grain this season is an additional misfortune. With difficulty we support life. From your presence without the provinces we expect relief. It is not the custom of the Company to deprive the zemindars and jaghiredars of the means of subsistence. To your justice we look up."

This being the situation of the person and family of the Nabob of Furruckabad and his nearest relations, the state of the country and its capital, prevented from all relief by the said Warren Hastings, is described in the following words by the Resident, Willes.

"Almas Ali has taken the purgunnah of Marara at a very inadequate rent, and his aumils have seized many adjacent villages: the purgunnahs of Cocutmow and Souje are constantly plundered by his people. The collection of the ghauts near Futtyghur has been seized by the Vizier's *cutwal*, and the zemindars in four purgunnahs are so refractory as to have fortified themselves in their gurries, and to refuse all payments of revenue. This is the state of the purgunnahs.

And Furruckabad, which was once the seat of great opulence and trade, is now daily deserted by its inhabitants, its walls mouldering away, without police, without protection, exposed to the depredations of a banditti of two or three hundred robbers, who, night after night, enter it for plunder, murdering all who oppose them. The ruin that has overtaken this country is not to be wondered at, when it is considered that there has been no state, no stable government, for many years. There has been the Nabob Vizier's authority, his ministers', the Residents' at Lucknow, the sezauwils', the camp authority, the Nabob Muzuffer Jung's, and that of twenty duans or advisers: no authority sufficiently predominant to establish any regulations for the benefit of the country, whilst each authority has been exerted, as opportunity offered, for temporary purposes.

"Such being the present *deplorable* state of Furruckabad and its districts, in the ensuing year it will be in vain to look for revenue, if some regulations equal to the exigency be not adopted. The whole country will be divided between the neighboring powerful aumils, the refractory zemindars, and banditti of robbers; and the Patans, who might be made useful subjects, will fly from the scene of anarchy. The crisis appears now come, that either some plan of government should be resolved on, so as to form faithful subjects on the frontier, or the country be given up to its fate: and if it be abandoned, there can be little doubt but that the Mahrattas will gladly seize on a station so favorable to incursions into the Vizier's dominions, will attach to their interests the Hindoo zemindars, and possess themselves of forts, which, with little expense being made formidable, would give employment perhaps to the whole of our force, should it be ever necessary to recover them."

That the Council at Calcutta, on the representation aforesaid made by the Resident at Furruckabad, did propose and record a plan for the better government of the said country, but did delay the execution of the same until the arrangements made by the said Hastings with the Nabob Vizier should be known; but the said Hastings, as far as in him lay, did entirely set aside any plan that could be formed for that purpose upon the basis of a British Resident at Furruckabad, by engaging with the said Nabob Vizier that no British influence shall be employed within his dominions, and he has engaged to that prince not to abandon him to any other mode of relation; and he has informed the Court of Directors that the territories of the Nabob of Oude will be ruined, if Residents are sent into them, observing, that "Residents never will be sent for any other purposes than those of vengeance and corruption."

That the said Warren Hastings did declare to the Court of Directors, that in his opinion the mode of relief most effectual, and most lenient with regard to Furruckabad, would be to nominate one of the family of the prince to superintend his affairs and to secure the payments; but this plan, which appears to be most connected with the rights of the ruling family, whilst it provides against the imbecility of the natural lord, and is free from his objection to a Resident, is the only one which the said Hastings never has executed, or even proposed to execute.

That the said Hastings, by the agreements aforesaid, has left the Company in such an alternative, that they can neither relieve the said prince of Furruckabad from oppression without a breach of the engagements entered into by him, the said Hastings,

with the Nabob Vizier in the name of the Company, nor suffer him to remain under the said oppression without violating all faith and all the rules of justice with regard to him. And the said Hastings hath directly made or authorized no less than six revolutions in less than five years in the aforesaid harassed province; by which frequent and rapid changes of government, all of them made in contradiction to all his own declared motives and reasons for the several acts successively done and undone in this transaction, the distresses of the country and the disorders in its administration have been highly aggravated; and in the said irregular proceedings, and in the gross and complicated violations of faith with all parties, the said Hastings is guilty of high crimes and misdemeanors.

VI. — DESTRUCTION OF THE RAJAH OF SAHLONE.

I. THAT the late Nabob of Oude, Sujah ul Dowlah, did (on what reasons of policy or pretences of justice is unknown) dispossess a certain native person of distinction, or eminent Rajah, residing in the country of Sahlone, "the lineal descendant of the most powerful Hindoo family in that part of Hindostan," of his patrimonial estate, and conferred the same, or part of the same, on his, the Nabob's, mother, as a jaghire, or estate, for the term of her life: and the mother of the Nabob, in order to quiet the country, and to satisfy in some measure the principal and other inhabitants, did allow and pay a certain pension to the said Rajah; which pension, on the general confiscation of jaghires, made at the instigation of the said

Warren Hastings, and by the letting the lands so confiscated to farmers at rack-rents, was discontinued and refused to be paid; and the discontinuance of the said pension, "on account of the personal respect borne to the Rajah, (as connections with him are sought for, and thought *to confer honor*,)" did cause an universal discontent and violent commotions in the district of Sahlone, and other parts of the province of Oude, with great consequent effusion of blood, and interruption, if not total discontinuance, to the collection of the revenues in those parts, other than as the same was irregularly, and with great damage to the country, enforced by British troops.

II. That Mr. Lumsdaine, the officer employed to reduce those disordered parts of the province to submission, after several advantages gained over the Rajah and his adherents, and expelling him from the country, did represent the utter impossibility of bringing it to a permanent settlement "merely by forcible methods; as in any of his [the Rajah's] incursions it would not be necessary to bring even a force with him, as the zemindars [landed proprietors and freeholders] are much attached to the Rajah, whom they consider as their hereditary prince, and never fail to assist him, and that his rebellion against government is not looked on as a crime": and Mr. Lumsdaine declared it "as his clear opinion, that the allowing the said Rajah a pension suitable to his rank and influence in the country would be the most certain mode of obtaining a permanent peace,"—alleging, among other cogent reasons, "that the expense of the force necessary to be employed to subdue the country might be spared, and employed elsewhere, and that the

people would return to their villages with their cattle and effects, and of course government have some security for the revenue, whereas at present they have none." And the representation containing that prudent and temperate counsel, given by a military man of undoubted information and perfect experience in the local circumstances of the country, was transmitted by the Resident, Bristow, to the said Warren Hastings, who did wilfully and criminally omit to order any relief to the said Rajah in conformity to the general sense and wishes of the inhabitants, a compliance with whose so reasonable an expectation his duty in restoring the tranquillity of the country and in retrieving the honor of the English government did absolutely require; but instead of making such provision, a price was set upon his head, and several bodies of British troops being employed to pursue him, after many skirmishes and much bloodshed and mutual waste of the country, the said Rajah, honored and respected by the natives, was hunted down, and at length killed in a thicket.

END OF VOL. VIII.

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